



Statewide Poll worker Recruitment Campaign

The HAVA Planning Committee recommended that HAVA federal funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified poll workers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free elections.

The 2004 Legislature did not appropriate federal funds for conducting a statewide poll worker recruitment campaign.

HAVA Oversight and Reporting

The HAVA Planning Committee recommended that the Department of State create three full time positions to manage HAVA implementation.

- HAVA administrator
- Grants specialist
- Administrative assistant

The estimated cost for HAVA oversight and reporting is \$206,079 for the 2003-2004 fiscal year, \$196,485 for the 2004-2005 fiscal year and \$200,719 for the 2005-2006 fiscal year.

The Florida Legislature authorized three positions within the Division of Elections for HAVA Oversight and Reporting. For FY 2003-2004 \$206,079 was appropriated for salaries and benefits, expenses and operating capital outlay. The three position titles are

- Senior Management Analyst Supervisor
- Operations and Management Consultant II
- Administrative Assistant II

State Management (HAVA Planning Committee)

The HAVA Planning Committee recommended that the Secretary of State require it to meet twice each year in 2003-2004 and in 2004-2005 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. The HAVA Planning Committee convened twice in the 2003-2004 fiscal year at an estimated cost of \$30,000. The HAVA Planning Committee further recommends that it meet twice in the 2004-2005 fiscal year at an estimated cost of \$30,000 and twice in the 2005-2006 fiscal year at an estimated cost of \$30,000.

Performance Goals and Measures Adoptions

The HAVA Planning Committee recommended the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures. The estimated cost is \$160,000 to be expended in the 2003-2004 and 2004-2005 fiscal years.



GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 60

The HAVA Planning Committee determined HAVA performance goals and measures during the meetings that were held to update the HAVA State Plan. Two meetings were held on May 24, 2004 and June 4, 2004 at an estimated cost of \$30,000.

Election Administration

The HAVA Planning Committee recommends HAVA funds be used for the design and production of new voter registration forms and publications, and translations for all election administration forms and publications. The estimated cost is \$250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006.

Complaint Procedures

Section 402(a) of HAVA requires each state to establish state-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. The HAVA Planning Committee recommends using HAVA funds in the amount of \$50,000 per year for the 2004-2005 and 2005-2006 fiscal years for the administration of the complaint procedures process.

The HAVA Planning Committee recommends that the remaining HAVA funds be reserved for future expenses related to the following items:

1. the continued development and implementation of the Florida Voter Registration System
2. future improvements in voting technology
3. continued funds to local counties for voter education programs
4. accessibility for polling places
5. poll worker recruitment and training

Requirement 6

(A) Based on the state's best estimates, what are the costs of the activities required to carry out to meet the requirements of Title III?

(B) What portion of the requirements payment will be used to carry out activities to meet such requirements?

(C) What portion of the requirements payment will be used to carry out other activities?

This information is displayed in charts on pages 61 and 62.

020849

HAVA Budget Funding by Fiscal Year

	2003-2004 Appropriation	Expenditures thru 6/30/04	Balance	2004-2005 Appropriation	2005-2006
Title I Requirements					
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	11,581,377	11,581,377			
Title III Requirements					
Sec. 303 Statewide Voter Registration System					
Phase One Development –research, planning & design (Section 101 HAVA Funds)	1,000,000	973,078	26,922	0	0
5 full time DOS positions – salaries	290,000	99,965	190,035	290,000	290,000
5 full time DOS positions – expenses	69,575	0	69,575	69,575	69,575
DOS Operating capital outlay	7,500	5,246	2,254	7,500	7,500
2 full time DHSMV positions – salaries	115,000	115,000	0	115,000	115,000
2 full time DHSMV positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
2 full time FDLE positions – salaries	115,000	115,000	0	115,000	115,000
2 full time FDLE positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
Phase Two – Dev. & impl. statewide voter reg. system (Section 252 Requirements Payment)	0	0	0	10,179,969	10,179,969
20 full time positions – salaries	0	0	0	976,746	976,746
20 full time positions – expenses	0	0	0	196,404	196,404
20 full time positions – operating capital outlay	0	0	0	30,500	30,500
Sec. 301 Voting System Standards (Section 252 Requirements Payment)					
Accessibility for voters with disabilities (compliance)	0	0	0	11,600,000	0
Accessibility for voters with disabilities (reimbursement to counties)	0	0	0	0	17,000,000
Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 & Section 252 HAVA fund activities 2004-2005 and beyond)					
Voter Education Programs	2,976,755	2,976,755	0	3,000,000	3,000,000
Poll worker recruitment and training	0	0	0	0	500,000
Poll worker Training	0	0	0	0	0
HAVA Oversight and Reporting					
3 full time positions – salaries	165,230	112,706	52,524	165,230	165,230
3 full time positions – expenses	35,849	7,812	28,037	35,849	35,849
Operating capital outlay	5,000	5,000	0	5,000	5,000
State Management (HAVA Planning Committee) HAVA Plan. Comm. convenes twice/year \$30k/mtg)	0	0	0	30,000	30,000
HAVA Performance Goals & Measures Adoption HAVA Planning Committee hearings – 4 at \$40k/mtg	0	0	0	0	0
Election Administration – design and production of new voter registration forms and publications, translations for all election administration forms and publications.	250,000	247,174	2,826	780,000	250,000
Complaint Procedure §402	0	0	0	0	50,000
Total	16,672,946	16,300,773	372,173	27,658,433	33,078,433

020350



GLEND E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 62

	Election Reform Estimated Revenues 2003-2005 Fiscal Years				
	HAVA 101 (2003 actual)	HAVA 102 (2003 actual)	HAVA 252 (2003 Actual) (2004 Estimated)	Total Federal Funds	State Matching Funds
2003	\$ 14,447,580	\$ 11,581,377	\$ 47,416,833	\$ 73,445,790	\$ 525,000
2004	0	0	\$ 85,085,258	\$ 85,085,258	\$ 6,103,018
2005	0	0	TBD	TBD	NA
Total					\$ 6,628,018

020351



Element 7. Maintenance of Effort

How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

Introduction

The funding provided under the Help America Vote Act of 2002 (HAVA) is intended to pay for new or enhanced election efforts and is not intended to supplant existing funding at the State or county level. The projected HAVA budget is based on the assumption that the State of Florida and counties will maintain the foundation of election operating expenditures for the fiscal year ending prior to November 2000.

The Florida Division of Elections provides statewide coordination and direction for the interpretation and enforcement of election laws. The Division's budget supports year-round staff that provides election-related assistance to Florida's 67 county supervisors of elections and their staff, municipalities, special districts, county and city attorneys, candidates, political committees, committees of continuous existence, elected officials, media, the public and other election officials throughout the United States.

Section 254(a)(7) How will the State of Florida maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000?

In determining Florida's maintenance of effort expenditures, the Division of Elections calculated 1999-2000 fiscal year expenditures which included salaries and benefits, operating capital outlay and voter fraud programs for the Division of Elections Director's office and the portion of Bureau of Election Records' expenditures pertaining to election administration. Florida's expenditures for these activities for 1999-2000 fiscal year totaled \$3,082,224.

In order to comply with Section 254(a)(7) of HAVA, the Florida Department of State will maintain expenditures on similar activities at a level equal to the 1999-2000 fiscal year budget.

For FY 2003-2004 and FY 2004-2005, the State of Florida exceeded the \$3,082,224 required to meet the Maintenance of Effort requirements.

The HAVA Planning Committee recommended that the Secretary of State communicate to the Senate President and the Speaker of the House of Representatives the importance of maintaining this maintenance of effort figure, as a minimum level of expenditures, to ensure the required level of spending is appropriated by the Florida Legislature.



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 64

During the 2003 and 2004 Legislative sessions, the Department of State's budget staff and legislative affairs staff maintained and continues to maintain close contact with House and Senate staff to convey the importance of continuing the Maintenance of Effort figure as a minimum level of funding.

020853



Element 8. Performance Goals and Measures

How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

Introduction

Florida has a very decentralized election governance and administrative system. The Secretary of State is appointed by the Governor and is the legal Chief Election Official in Florida. However, the Secretary of State does not supervise the day-to-day operations of the 67 local supervisors of elections and only provides guidance through technical assistance, rules, advisory opinions, voting system certification, and producing standardized election forms.

In Florida, it is the local supervisor of elections that has constitutional authority to conduct elections through State law and rule. The supervisors are elected to 4-year terms by the registered voters of their respective counties (except for Miami-Dade's appointed supervisor) and have broad authority to conduct the day-to-day election operations by appointing local election officials, administering voter registration, preparing ballots, administering absentee voting, conducting poll worker training, and developing voter education programs.

The Help America Vote Act of 2002 (HAVA) requires the State and not the local supervisors of elections to adopt performance goals and measures for determining statewide and local election reform success. The following performance measures have been adopted by the HAVA Planning Committee for these key elements of the plan:

1. Voting Systems
2. Voting systems guidelines
3. Absentee instructions
4. Voting systems for voters with disabilities
5. Provisional voting
6. Voter registration system
7. Voter education
8. Administrative complaint process



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 66

Section 254(a)(12) How will Florida adopt performance goals and measures that will be used by the State to determine its success and the success of local government in carrying out the plan, including—

- Timetables for meeting the elements of the plan
- Descriptions of the criteria the State will use to measure performance
- The process used to develop such criteria
- A description of which official is to be held responsible for ensuring that each performance goal is met?

Planning Element:	Element #1, Section 301 – Voting Systems Element # 4, Section 254(a)(4) – Voting System Guidelines
HAVA Deadline:	January 1, 2006
Goal:	Document the performance of Florida's voting systems to continually improve the voting experience for Florida voters.
Performance Measures:	<ul style="list-style-type: none">• Record and report to the Florida Legislature the number of overvotes and undervotes appearing in the first race for each General Election• List the likely reasons for such overvotes and undervotes by counties, by voting systems, and by appropriate election races• Suggest improvements to the voting process addressing such issues as voting system performance, ballot design, ballot instructions, election official training, poll worker training, voter education, and policy changes• Review rules and governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial
Timetable (if applicable):	On-going
Process used to develop criteria:	Florida Legislature (Section 101.595, Section 101.015, <i>Florida Statutes</i>) 2001 Governor's Select Task Force Report on Election Procedures, Standards and Technology HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections

020855



GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 67

Planning Element:	Element #1, Section 301 – Absentee Ballot Instructions
HAVA Deadline:	January 1, 2006
Goal:	Ensure voters have sufficient absentee ballot instructions on how to make corrections by requesting a replacement ballot and the consequences of casting multiple ballots.
Performance Measures:	With receipt of absentee ballots following an election, each county will gather the following information: <ul style="list-style-type: none">• Number of absentee/mail-in ballots requested• Number of replacement absentee/mail-in ballots requested• The number of returned absentee ballots not counted because of<ul style="list-style-type: none">a) no signatureb) non-matching signature
Timetable (if applicable):	September 2004
Process used to develop criteria:	<ul style="list-style-type: none">• Department of State, (Rule 1S-2.032, F.A.C.)• HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

020856



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 68

Planning Element:	Element #1, Section 301 – Certified Voting Systems for Voters with Disabilities
HAVA Deadline:	January 1, 2006
Goal:	Provide one accessible voting system for every polling place including non-visual accessibility for the blind and visually impaired that provides the same opportunity for access and participation as other voters.
Performance Measures:	<ul style="list-style-type: none">• Legislature appropriates sufficient HAVA funds to purchase accessible voting systems;• Supervisors of elections certify to the Department of State the number of certified accessible voting systems needed to meet the requirement of one per polling place;• Upon approval by the Department of State, supervisors of elections submit recommendations for purchase of certified accessible voting systems to Board of County Commissioners;• Board of County Commissioners receives HAVA funds and appropriates funds to purchase certified accessible voting systems;• Supervisors of elections report to the Department of State before January 1, 2006 that this requirement has been met.
Timetable (if applicable):	Begin July 2004 End December 2005
Process used to develop criteria:	Florida Legislature sets requirements for certifying polling places Division of Elections certifies polling places and voting systems HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

020857



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 69

Planning Element:	Element #1, Section 302 – Provisional Voting
HAVA Deadline:	January 1, 2004
Goal:	Ensure that all voters whose eligibility to vote is questioned be permitted to cast a provisional ballot and notified of outcome.
Performance Measures:	<p>With respect to the voter registration of each county, the following information will be collected to measure compliance performance:</p> <p>County Level</p> <ul style="list-style-type: none">• The number of provisional ballots cast in each precinct• The number of registered voters in each precinct• The number of provisional ballots that were verified and counted in each precinct• The number of provisional ballots not counted in each precinct and the reason for not counting <p>State Level</p> <ul style="list-style-type: none">• The number of provisional ballots cast in each county• The number of registered voters in each county• The number of provisional ballots that were verified and counted in each county• The number of provisional ballots not counted in each county and the reason for not counting
Timetable (if applicable):	On-going
Process used to develop criteria:	Florida Legislature (Section 101.048, <i>Florida Statutes</i>) HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 70

Planning Element:	Element #1, Section 303 – Voter Registration System
HAVA Deadline:	January 1, 2006
Goal:	Establish a single, uniform, official centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections.
Performance Measures:	<ul style="list-style-type: none">• Legislature directs the Division of Elections to develop a statewide voter registration system that meets the requirements of HAVA;• Division of Elections begins Phase 1 of the “Florida Voter Registration System” (FVRS) in September 2003 and develops the specifications for design and implementation.• Division of Elections begins Phase 2 of the FVRS in March 2004 by prototyping and validating system components;• Division of Elections begins Phase 3 of the FVRS in March 2005 by conducting tests, revising modules, and ensuring all system components meet functional and performance standards;• Division of Elections begins Phase 4 of the FVRS in August 2005 by developing and implementing a training and education plan which will result in counties being brought on line as their election schedules permit;• Division of Elections begins Phase 5 of the FVRS in January of 2006 by providing final system documentation and by transitioning to a maintenance and support function
Timetable (if applicable):	Begin September 2003 End December 2005
Process used to develop criteria:	<ul style="list-style-type: none">• Public meetings hosted by the Bureau of Voting Systems Certification in consultation with supervisors of elections and other involved state and federal agencies• HAVA Planning Committee
Accountable official(s):	Secretary of State Deputy Secretary of State Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 71

Planning Element:	Element #3, Section 254(a)(3) Voter Education
HAVA Deadline:	NA
Goal:	Promote a more educated electorate by providing comprehensive and varied voter education programs throughout each of Florida's 67 counties.
Performance Measures:	<ul style="list-style-type: none">• County supervisors of elections will create a Voter Guide including the information defined in Rule 1S-2.033, F.A.C.• Voter education plans will be filed with the Division of Elections by each supervisor of election• The Department of State will prepare a report on the effectiveness of these programs• Each county will document, where applicable:<ul style="list-style-type: none">○ the number and types of locations in which voter guides are distributed○ the number and types of mediums for posting election related information (banners, billboards, etc.)○ the number of sample ballots mailed and/or publications where they were published○ voter education and registration programs for high school students○ college registration/education programs on each college campus in the county○ voting equipment demonstrations○ where voters rights and responsibilities are posted○ registration workshops held○ the number and locals of radio, television and print interviews○ methods used to reach non-English speaking and citizens with disabilities○ number of overvotes and undervotes that occur during an election○ the number of provisional ballots cast during an election <p><i>(continued on next page)</i></p>

020360



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 72

Timetable (if applicable):	<ul style="list-style-type: none">• Ongoing• Supervisors of elections are required to file a report by December 15th of each general election year with the Dept. of State describing voter education programs implemented.• Department of State is required to review information submitted by supervisors of elections and prepare a public report, to be submitted to Governor, Senate President and Speaker of the House of Representatives, on effectiveness of voter education programs by January 31st of each year following a general election.
Process used to develop criteria:	The Florida Legislature (Section 98.255, Section 101.65, <i>Florida Statutes</i>) Department of State (Rule 1S-2.033, F.A.C.) Supervisors of Elections HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

020861



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 73

Planning Element:	Element #3, Section 254(a)(3) – Election Official and Poll Worker Training
HAVA Deadline:	Immediate and Ongoing
Goal:	Provide a simple, friendly voting experience for Florida voters by training election officials and poll workers through professional and frequent instruction.
Performance Measures:	<ul style="list-style-type: none">• Document the number of training classes offered at the state and local levels• Document the number of supervisors of elections who receive certification• Document the number of election officials who receive training• Document the number of poll workers who attend the training sessions• Document and report voter satisfaction with the voting process through various methods• Report to the Florida Legislature after each election cycle the effectiveness of election official and poll worker training programs
Timetable (if applicable):	On-going
Process used to develop criteria:	HAVA Planning Committee
Accountable official(s):	Supervisors of Elections Director, Division of Elections

020362



GLEND E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 74

Planning Element:	Element #9, Section 254(a)(a) State-Based Administrative Complaint Procedures to Remedy Grievances
HAVA Deadline:	NA
Goal:	Establish and maintain a state-based administrative complaint procedure for any individual who believes that there has been a violation of any of HAVA's Title III requirements.
Performance Measures:	<p>The following information will be collected to subjectively measure performance:</p> <ul style="list-style-type: none">• Number of complaints received• Number of complaints resolved<ul style="list-style-type: none">• Number of complaints resolved in 30 days or less• Number complaints resolved in 60 days• Number of complaints resolved in 90 days• Number of complaints unresolved<ul style="list-style-type: none">• Description of reason complaint is left unresolved
Timetable (if applicable):	Ongoing
Process used to develop criteria:	Florida Legislature (Section 97.028, <i>Florida Statutes</i>) HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

020863



Element 9. State-Based Administrative Complaint Procedures to Remedy Grievances

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

Introduction

To receive any requirements payment pursuant to the Help America Vote Act of 2002 (HAVA), the State of Florida must establish and maintain State-based administrative complaint procedures which meet HAVA's requirements to:

- (1) be uniform and nondiscriminatory;
- (2) provide that any person who believes that there is or will be a violation of any of HAVA's Title III requirements may file a complaint;
- (3) require the complaint to be in writing, sworn and notarized;
- (4) permit complaints to be consolidated;
- (5) hold a hearing on the record at the request of the complainant;
- (6) provide an appropriate remedy if the State determines that there is a violation of any Title III provision;
- (7) if the State determines there is no violation, dismiss the complaint and publish the results of procedures;
- (8) make a final determination on a complaint within 90 days after filing unless the complainant consents to a longer period; and,
- (9) use alternative dispute resolution procedures to resolve the complaint if the State fails to resolve it within 90 days.

Section 402(a): Has Florida complied with the requirements of HAVA Section 402(a) to establish State-based administrative complaint procedures to remedy grievances?

Yes, and no further actions are required.

Appropriate administrative complaint procedures were included in Chapter 2003-415, *Laws of Florida*. Language in the legislation tracked HAVA's language closely. These procedures are similar to administrative procedures in Section 97.023, *Florida Statutes*, for resolving complaints generated by alleged violations of the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

Florida's legislation established a new Section 97.0535, *Florida Statutes*, that in addition to tracking HAVA's minimum requirements, included the following additional requirements not specified by HAVA:

- (1) the Department of State would have sole jurisdiction for these purposes and the procedures would be the sole avenue of redress for alleged Title III violations;

020364



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 76

-
- (2) a complaint would have to state the alleged violation and the person or entity responsible for the violation;
 - (3) the Department of State would be required to inform a complainant in writing if a complaint was legally insufficient;
 - (4) proceedings would be exempt from Chapter 120, *Florida Statutes*, (Administrative Procedures Act);
 - (5) a hearing would be held by a hearing officer whether or not a complainant requested a hearing and specific procedures for a hearing were included in the legislation;
 - (6) the hearing officer would direct an appropriate remedy that then would be enforced by the Department of State;
 - (7) mediation would be the alternative dispute resolution method used if a final determination on a complaint was not made within 90 days of filing.

020865



Element 10. Effect of Title I Payments

If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

Introduction

Title I of the Help America Vote Act of 2002 (HAVA) is an "early out" money program for use in two areas—improving election administration and the replacement of punch card and lever voting systems. Florida received \$26,028,957 under this "early out" program. The HAVA Planning Committee recommended using Section 101 federal HAVA funds for 2003-2004 activities and a combination of Section 101 and Section 252 HAVA federal funds for activities beginning in the 2004-2005 fiscal year and beyond.

Under Title I, Section 101 funds are to be used to improve election administration. Approved use of funds under this section includes:

- (A) Complying with the requirements under Title III.
- (B) Improving the administration of elections for Federal office.
- (C) Educating voters concerning voting procedures, voting rights, and voting technology.
- (D) Training election officials, poll workers, and election volunteers.
- (E) Developing the HAVA State Plan for requirements payments.
- (F) Improving, acquiring, leasing, modifying, or replacing voting systems.
- (G) Improving polling place accessibility for voters with disabilities or with limited English.
- (H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Under Title I, Section 102 federal funds are to be used to replace punch card and lever voting systems.

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of \$11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. The following recommendations are based on the HAVA Planning Committee meetings held to develop the HAVA State Plan.

Section 101. How will Title I payments to Florida be used for activities to improve administration of elections?



The State of Florida is using Title I funds for election reform activities necessary to ensure Florida complies with all HAVA requirements. The following list describes the major areas in which funds are used.

(A) Complying with the requirements under Title III

The Division of Elections will implement a statewide voter registration system to comply with HAVA Title III. The Division of Elections used \$1 million appropriated from Section 101 federal funds for Phase One development of the new Statewide Voter Registration system. Expenditures for Phase One included:

- Consulting fees for conducting a detailed analysis of connectivity infrastructure available in the 67 supervisor of elections' offices and within all affected offices of the departments of State, Law Enforcement and Highway Safety and Motor Vehicles; working with the counties, the three agencies and the advisory board to create minimum and optimum sets of system requirements; assessing infrastructure needs of all stakeholders to serve the system requirements; conducting "gap" analysis; outlining the physical design of the system; estimating costs and implementation plans for each version for the system to be presented to the 2004 Legislature; and developing and publishing the January 2004 report and recommendations for the 2004 Legislature.
- The purchase of hardware and software for project management and system development.
- Expenses incurred by Division of Elections' staff.
- Travel expenses for visits to every supervisor of elections' office and local driver license office.

In addition, Section 101 HAVA funds were used to create nine full time positions necessary for the design, development and implementation of the Statewide Voter Registration system.

(B) Improving the administration of elections for Federal office.

Upon receipt of Title I monies, the HAVA Planning Committee recommended that the Division of Elections use \$250,000 in fiscal year 2003-2004 from Section 101 funds for expenses that include the design and publication of voter registration forms and other election information, translations for all election administration forms and publications, statewide voter education programs and training workshops.

A State-based complaint procedure has been established for anyone who believes that a violation of Title III of the Help America Vote Act has occurred, is occurring or is about to occur. Funds may need to be expended depending on the number and type of complaints filed.

020867



GLEND E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 79

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

The Florida Division of Elections will use approximately \$9 million over a three year period for voter education programs. In FY 2003-2004, \$2,976,755 was appropriated and distributed to county supervisors of elections for voter education programs. Distribution was based on a funding level per individual voter multiplied by the number of registered voters in each county for the 2002 General Election. To determine the funding level per individual voter, the Division of Elections divided the total amount of funds appropriated in FY 2003-2004 by the total number of registered voters in the State of Florida for the 2002 General Election.

For FY 2004-2005, the Appropriations bill includes \$3,000,000 to be distributed to county supervisors of elections for purposes relating to voter education. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

FY 2004-2005 funds will be distributed to each eligible county supervisor of elections based on a funding level per voter multiplied by the number of registered voters in the county for the 2004 Presidential Preference Primary. To determine the funding level per individual voter, the Division of Elections will divide the total amount of funds appropriated in FY 2004-2005 by the total number of registered voters in the State of Florida for the 2004 Presidential Preference Primary.

(D) Training election officials, poll workers, and election volunteers.

In the original HAVA plan, the HAVA Planning Committee recommended using HAVA funds in the amount of \$250,000 for poll worker training in each fiscal year 2003-2004, 2004-2005 and 2005-2006. The Florida Legislature, however, did not appropriate HAVA funds for this use in FY 2003-2004 or FY 2004-2005.

The HAVA Planning Committee would like to reinstate its recommendation to use HAVA funds in the amount of \$500,000, beginning with FY 2005-2006, for poll worker training and recruitment, with a 15% match required of each county.

020868



(E) Developing the HAVA State Plan for requirements payments to be submitted under part 1 of subtitle D of Title II.

Title I funds were used to revise the HAVA State Plan in FY 2003-2004. As the State of Florida modifies its plans in future years, HAVA funds may be used.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems.

Florida has already replaced its punch card and lever voting systems. Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of \$11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee recommended that the State of Florida utilize some HAVA funds to help counties meet the accessibility requirements under Title III by the January 1, 2006 deadline. The FY 2004-2005 Appropriations Bill states that \$11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place.

In addition, the HAVA Planning Committee recommends reimbursing counties who have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is \$17 million and it is anticipated that Section 252 HAVA funds will be used.

(G) Improving polling place accessibility for voters with disabilities or with limited English.

Under Section 261, HAVA states the Secretary of Health and Human Services shall make a payment to eligible States to be used for making polling places accessible to individuals with disabilities and providing information on this accessibility. The HAVA Planning Committee recommends that these funds be distributed to each county to ensure that individuals with disabilities are provided the same opportunity for access and participation as for other voters.

020369



GLEND E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 81

During FY 2003-2004, the State of Florida applied for and received a grant from Health & Human Services (HHS) in the amount of \$687,278. Since the Division of Elections did not have budget authority in FY 2003-2004 to spend these dollars, none of the funds have been requested from HHS as of this date. The Division has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary. This information will be used to determine the formula for distributing the grant funds to the counties.

The funds will be used as described in the grant application which follows the recommendations in the plan.

The Division of Elections has also been awarded a second grant from Health & Human Services to improve polling place accessibility in the amount of \$492,941.

(H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Currently, there are no plans to use HAVA funds for establishing a free voting information hotline. If this type of voting information system is desired, it will be the responsibility of each county and monitored by the Division of Elections.

The Division of Elections has already established a voter fraud hotline for individuals who believe they may have witnessed election fraud. In addition, the Division has established a hotline for voters to request voting information.

Section 102. How will payments to Florida be used for the replacement of punch card or lever voting machines?

Following the 2000 General Election, the State of Florida assisted counties by investing approximately \$24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of \$11,581,377 were returned to the state as reimbursement.

020870



Element 11. Help America Vote Act of 2002 (HAVA) State Plan Management

How the State will conduct ongoing management of the plan, except the State may not make any material change in the administration of the plan unless the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

Introduction

This element of the HAVA State Plan requires Florida to explain how the State of Florida will manage the implementation of the HAVA State Plan and whether it will utilize the same public notice process if any “material change” is made to the administration of the HAVA State Plan.

Section 251(a)(11) How will Florida conduct ongoing management of the HAVA State Plan?

As explained in previous sections of this Plan, the administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law. The Secretary of State as the Chief Election Officer is responsible for the coordination of the State’s responsibilities under HAVA Section 253. The Director of the Division of Elections reports to the Secretary of State and will be responsible for the day-to-day monitoring and managing of Florida’s HAVA State Plan. The Director has three new positions dedicated to HAVA program management. The scope of responsibilities will range from federal reporting and grant compliance to assistance with voter education, election official training and updating the HAVA State Plan.

Also at the State level, the Secretary of State directs the HAVA Planning Committee to update the HAVA State Plan as required in Section 255. Under Florida’s HAVA State Plan, the HAVA Planning Committee is responsible for conducting its business in an open, public forum and for suggesting revisions and updates to the HAVA State Plan.

At the local level, Florida’s 67 supervisors of elections will be encouraged to play an active role in the successful implementation of the HAVA State Plan. The Division of Elections will continue to work on a regular basis with local supervisors of elections to develop performance



GLEND A. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 83

goals and measures, new voter registration improvements, new voting systems certification upgrades, statewide voter education programs, election official training, and other activities outlined in Florida's HAVA State Plan.

Section 254(a)(11) If Florida makes any material change in the administration of the HAVA State Plan, will the change—

(A) be developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;

(B) be subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and

(C) take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A)?

The State of Florida understands and agrees to comply with the HAVA requirements related to ongoing management of the HAVA State Plan. No material changes in the administration of the plan will be made unless:

- the material change is developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;
- the material change is subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and
- the material change takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

020872



Element 12. Changes to State Plan for Previous Fiscal Year

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

Introduction

The HAVA State Plan was updated at public meetings held in Orlando, Florida on May 24, 2004 and in Hollywood, Florida on June 4, 2004. The Secretary of State utilized the previous HAVA Planning Committee to make changes. The Collins Center for Public Policy, Inc. was selected in a public competitive process to staff the update process.

The HAVA Planning Committee focused on three types of changes:

1. Substantive changes made by the State of Florida that bring the State into further compliance with HAVA
2. Minor updates that will not affect the State's compliance with HAVA
3. Issues that have arisen that might affect the State's future compliance with HAVA

The HAVA Planning Committee received copies of the original plan. All updates and changes to the original plan from the previous fiscal year were noted as follows:

1. Sections of the plan that were deleted were first shown in a strike-through font
2. Sections of the plan that were new were shown in an underlined font.
3. After the HAVA Planning Committee reviewed and approved the updates, the underline and strike-through fonts were removed.

Section 254(a)(12) When Florida has a HAVA State Plan for the previous fiscal year, will the State of Florida provide a description of how the plan reflects changes from the HAVA State Plan for the previous fiscal year and how the State succeeded in carrying out the HAVA State Plan for such previous fiscal year?

Florida has updated its original HAVA State Plan to bring it into further compliance through legislative action, rule change and updated information. The following chart is a summary on how the HAVA State Plan changed and how the State succeeded in carrying out the HAVA State Plan for the previous fiscal year.

020873



HAVA State Plan Update from Previous Fiscal Year

Element 1-Voting Systems

Florida currently meets all HAVA voting system requirements except with regard to voting systems for voters with disabilities.

Changes	Successes
Voting systems for voters with disabilities: The Legislature appropriated \$11.6 million to help Florida's counties provide one certified accessible voting system for voters with disabilities including blind and visually impaired voters by January 1, 2006.	The Department of State is going beyond HAVA by contracting with a disability relations group to act as a consultant to help implement disability access with the supervisors of elections across the state.

Element 1- Provisional Voting and Voting Information

Florida made six (6) changes to the provisional voting process in order to comply with HAVA by January 1, 2004.

Changes	Successes
Free Access System: Updated state law to require each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his/her provisional ballot was counted and, if not, why. The HAVA Planning Committee concludes that the provisional ballot set forth in HAVA reinforces protections that the NVRA affords voters who move within the registrar's jurisdiction without updating their registration information, the ability to vote. The HAVA Planning Committee would like to offer Florida voters this same certainty and recommends to the Florida Legislature that the meaning of the term "jurisdiction" in Florida Statutes be changed from "precinct" to "county." Voting instructions including how to cast a provisional ballot: The Division of Elections updated and	Systems were established by January 1, 2004 and individuals who voted provisional ballots were given notice of whether their ballot was counted. Proper instructions for voting and casting a provisional ballot were displayed in polling places. Proper instructions for mail-in registrants and first-time voters were displayed in polling places. Proper contact information for any voter alleging their rights were violated was displayed in polling places. The State was in compliance by the required deadline.



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 86

reprinted posters that are displayed in each polling place on election day to include these instructions.

Posting of instructions for mail-in registrants and first-time voters:

The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions.

Posting of contact information for voters who allege their rights have been violated:

The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions.

Effective date for complying with Provisional Voting and Voting Information Requirements: Requirements were completed by HAVA deadline of January 1, 2004.

Element 1- Voter Registration System

Changes	Successes
The Florida Legislature has directed the Department of State to begin the development of the new Florida Voter Registration System (FVRS) that meets the requirements of HAVA. The Division of Elections has been tasked to develop the specifications for the design and implementation. A project team has been established consisting of supervisors of elections, technical experts and other agency representatives and has approved a five (5) phase project plan to be completed by the HAVA deadline.	<p>The State of Florida received an extension for the development and implementation of the computerized statewide voter registration list from January 1, 2004 to January 1, 2006.</p> <p>The Florida Legislature appropriated \$1.6 million to begin the project design and implementation of the new Florida Voter Registration System and to fund nine positions.</p>

020875



Element 2- Local Government Payments and Activities

Changes	Successes
The State of Florida reimbursed itself with \$11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.	<p>The Florida Legislature appropriated \$11.6 million in HAVA funds to assist counties in the purchase of accessible voting systems for each polling place.</p> <p>The Florida Legislature appropriated nearly \$3 million to counties for nonpartisan Voter Education programs.</p>

Element 3- Voter Education

Changes	Successes
<p>An analysis of FY 2003-2004 voter education programs throughout the state indicate a variety of innovative programs are being used.</p> <p>Beginning in 2003, the Florida Legislature expanded its definition of voter education activities for which counties may receive state funds.</p> <p>HB 29B (Chapter 2003-415) requires:</p> <ul style="list-style-type: none">• Education materials to be updated to provide absentee voters with better instructions;• The Department of State and county supervisors of elections to provide more information to absent uniform services voters and overseas voters;• Persons registering to vote be notified of the requirement to provide identification prior to voting the first time;• Written instructions be given regarding the free access system that allows each person who casts a provisional ballot to determine whether their vote counted and, if not, why not;• Supervisors of elections to provide up-to-date information to conform to HAVA	<p>The Florida Legislature appropriated \$3 million for voter education programs for FY 2004-2005.</p> <p>Division of Elections contracted with the Get Out the Vote Foundation, Inc., in the amount of \$247,500 from FY 2003-2004 appropriations.</p> <p>The Florida State Association of Supervisors of Election, through activities of its Get Out the Vote Foundation, will play a major role in educating and training election officials in 2004.</p> <p>To increase poll worker recruitment, the Department has initiated a "Be a Poll Worker" campaign which includes airing public service announcements and distributing "Be a Poll Worker" handouts at Department presentations.</p>



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 88

voting information requirements;

Senate Bill No. 2566 (Chapter 2004-232) required county supervisors of elections to revise the Voter's Certificate and instruction to those voting via an absentee ballot indicating an absentee ballot is no longer required to have his/her signature witnessed.

Senate Bill No. 2346 (Chapter 2004-252) required county supervisors of elections to revise the Early Voting Certificate information indicating a person casting an Early Vote is no longer required to have his/her signature witnessed.

The Division of Election's website enhances voter education through the internet by:

- Voter assistance hotline toll free number
- 2004 national voter registration workshops to be held across the state
- Direct link to Help America Vote Act and HAVA Planning Committee activities
- The results of an election night voter report card (survey)

Under F.S. 101.20, supervisors of elections may mail a sample ballot to each registered elector or each household if done at least 7 days prior to any election, rather than publishing a sample ballot in a newspaper of general circulation.

The HAVA Planning Committee recommended state funding for poll worker training and recruitment but the Florida Legislature in 2004 did not appropriate any funds for either activity.

020377



Element 4- Voting System Guidelines and Processes

Changes	Successes
There were no changes in this element of the HAVA State Plan.	

Element 5- HAVA Election Fund

Changes	Successes
The HAVA fund has not undergone any structural changes in the way the trust fund was set up. Recent calls from the Florida Auditor General indicate a possible audit during FY 2004-2005.	The Florida Legislature has appropriated funds received for election-related activities as required by HAVA.

Element 6- HAVA Budget

Changes	Successes
<p>The HAVA Planning Committee approved the projected cost of the Florida Voter Registration System and recommended that the Florida Legislature continue funding the development of this project for a estimated total of \$20.6 million through 2008.</p> <p>The HAVA Planning Committee continued to recommend that the State of Florida reimburse counties that have already purchased voting systems that meet the HAVA accessibility requirements for voters with disabilities.</p> <p>The HAVA Planning Committee recommended using \$9 million of HAVA funds during FY 2003-2004, FY 2004-2005 and FY 2005-2006 to develop and implement a state-wide voter education program.</p>	<p>The State of Florida reimbursed itself with \$11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.</p> <p>The Florida Legislature appropriated \$1.6 million in FY 2003-2004 to begin the development of the Florida Voter Registration System which will meet HAVA requirements.</p> <p>The Florida Legislature appropriated \$11.6 million in HAVA funds, in FY 2004-2005, to assist counties in the purchase of accessible voting systems for each polling place by January 1, 2006.</p> <p>The Florida Legislature appropriated nearly \$3 million to counties for nonpartisan Voter Education programs in FY 2003-2004 and FY 2004-2005.</p>



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 90

The HAVA Planning Committee recommended using \$500,000 for FY 2005-2006 in a matching grant program for counties to conduct election official and poll worker training.

The HAVA Planning Committee did not recommend renewing its recommendation to develop a statewide poll worker recruitment campaign.

The HAVA Planning Committee recommended continued funding of the three positions providing administrative oversight for HAVA.

The HAVA Planning Committee recommended funding future HAVA Planning Committee meetings at \$30,000 for each fiscal year through FY 2005-2006.

The HAVA Planning Committee recommended funding the following future activities:

1. continued development and expansion of the Florida Voter Registration System
2. future improvement to voting technology
3. continued funds for county voter education programs
4. accessibility for polling places
5. poll worker recruitment and training.

The Florida Legislature funded three positions to provide administrative oversight for HAVA in FY 2003-2004.

Element 7- Maintenance of Effort

Changes	Successes
The State of Florida exceeded the Maintenance of Effort payments for FY 2003-2004 and FY 2004-2005.	The State of Florida provided funds of just over \$3,082,224 for election activities in order to meet the HAVA Maintenance of Efforts requirement.

020879



GLEND A. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 91

Element 8- Performance Measures

Changes	Successes
<p>The HAVA Planning Committee approved performance measures for the following plan elements:</p> <ol style="list-style-type: none">1. Voting systems2. Voting systems guidelines3. Absentee instructions4. Voting Systems for voters with disabilities5. Provisional voting6. Voter registration7. Voter Education8. Administrative complaint process	

Element 9-Administrative Complaint Process

Changes	Successes
<p>There were no changes for this element of the HAVA State Plan.</p>	

Element 10- Effect of Title One Payments

Changes	Successes
<p>Florida received \$26,028,957 in Title I funds.</p> <p>These Title I, Section 102 funds were returned to the state as reimbursement for funds invested in the counties to replace outdated voting machines following the 2000 General Election instead of being distributed to counties as recommended by the HAVA Planning Committee.</p> <p>Title III funds were used as recommended by the HAVA Planning Committee to begin development of the statewide voter registration system.</p> <p>Title I funds were used as recommended by the HAVA Planning Committee for voter</p>	<p>The Division of Elections used \$1 million for Phase 1 of the new voter registration system.</p> <p>The Division of Elections distributed \$3 million to Florida counties for voter education activities and is scheduled to distribute an</p>

020880



GLEND A. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 92

<p>education programs over a two year period.</p> <p>The Florida Legislature did not appropriate HAVA funds for use in training election officials and poll workers as recommended by the HAVA Planning Committee.</p> <p>The Florida Legislature appropriated \$11.6 million for distribution to supervisors of elections for the purchase of equipment which is accessible to persons with disabilities.</p>	<p>additional \$3 million in FY 2004-2005.</p> <p>Funds will be distributed to supervisors of elections to purchase equipment which is accessible to persons with disabilities.</p> <p>The State of Florida applied for and has been awarded two grants from Health & Human Services in the amount of \$687,278 and \$492,941 to be used for making polling places accessible to individuals with disabilities.</p> <p>The Division of Elections has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary in order to determine the formula for distributing grant funds to counties.</p>
--	--

Element 11- HAVA State Plan Management Section

Changes	Successes
The HAVA Planning Committee updated this element to reflect the three new HAVA oversight positions in the Division of Elections	The Division of Elections created three new positions and hired staff in FY 2003-2004 to oversee the HAVA State Plan implementation and reporting.

Element 12- HAVA Changes in State Plan for Previous Fiscal Year

Changes	Successes
The HAVA State Plan was updated to reflect changes from FY 2003-2004.	



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 93

Element 13- HAVA State Plan Development and Planning Committee

Changes	Successes
<p>The HAVA Planning Committee met twice in 2004 to update the HAVA State Plan.</p> <p>The HAVA Planning Committee welcomed three new members:</p> <ol style="list-style-type: none">1. Brenda Snipes, Supervisor of Elections for Broward County2. Constance Kaplan, Supervisor of Elections for Miami-Dade County3. Jennifer Carroll, State Representative from District 13	



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 94

Element 13. State Plan Development and HAVA Planning Committee

A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

Introduction

To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Federal Elections Commission.

Section 255: Has Florida complied with the requirements of section 255(a) to have the chief State election official develop the HAVA State Plan through a committee of appropriate individuals?

Yes, and no further actions are required.

Florida's Chief State Election Official, Secretary of State Glenda Hood, has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the HAVA Planning Committee for the State of Florida, appointed by Secretary of State Hood, are as follows:

Chairman:

Jim Smith of Leon County, former Secretary of State and former Attorney General

Chief Election Officials of the Two Most Populous Jurisdictions within the State:

Brenda Snipes, Supervisor of Elections for Broward County

Constance Kaplan, Supervisor of Elections for Miami-Dade County

Other Local Election Officials:

Kurt Browning, Supervisor of Elections for Pasco County

Susan Gill, Supervisor of Elections for Citrus County

Shirley Green Knight, Supervisor of Elections for Gadsden County

FAX**Department of State****Division of Elections****The Collins Building Room 100****107 West Gaines Street****Tallahassee, Florida 32399-0250**Date 01/21/04 10:01 AMNumber of pages including cover sheet 3**To:**General Services AdministrationAttn: Deborah SchillingDirector of Budget

Phone # _____

Fax # 202-501-1124**From:**Edward C. KastFlorida Div. of Elections

Phone # _____

(850) 245-6200

Fax # _____

(850) 245-6217**REMARKS:**☐ Per Your Request☐ For your review☐ Reply ASAP☐ Per Conversation


Attached are reports regarding expenditures through December 31, 2003 for HAVA funds. A separate form has been prepared for Section 101 and Section 102 categories as requested. If you have any questions or need additional information, please let us know.

020884

FILE COPY**FINANCIAL STATUS REPORT**

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 39.011 Section 101		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Room 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 4-23-03		To: (Month, Day, Year) Open		9. Period Covered by this Report From: (Month, Day, Year) 4-23-03 To: (Month, Day, Year) 12-31-03	
10. Transactions		I Previously Reported		II This Period	
a. Total outlays				1,709,142.05	
b. Recipient share of outlays				—	
c. Federal share of outlays				1,709,142.05	
d. Total unliquidated obligations				—	
e. Recipient share of unliquidated obligations				—	
f. Federal share of unliquidated obligations				—	
g. Total Federal share (Sum of lines c and f)				1,709,142.05	
h. Total Federal funds authorized for this funding period				14,447,580.00	
i. Unobligated balance of Federal funds (Line h minus line g)				12,738,437.95	
11. Indirect Expense N/A	a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
	b. Rate	c. Base	d. Total Amount	e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Edward C. Kast Director, Division of Elections			Telephone (Area code, number and extension) 850-245-6200		
Signature of Authorized Certifying Official 			Date Report Submitted 1-20-04		

020885



FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF ELECTIONS

REVISED

February 28, 2006

The Honorable Paul S. DeGregorio, Chairman
U.S. Election Assistance Commission
State HAVA Funding Reports
1225 New York Avenue, NW – Suite 1100
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2005 through December 31, 2005. A separate SF 269 form is included for Section 101 and Section 102 funds.

Also enclosed is a an updated SF 269 covering Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include Florida's portion of Section 101 funds plus Interest accrued on those funds during 2003 and 2004.

If you have any questions or would like additional information, please let us know.

Sincerely,

Sarah Jane Bradshaw

for Dawn K. Roberts, Esq.
Director, Division of Elections

Enclosures

DKR/BL/aj

FINANCIAL STATUS REPORT

(Long Form)

(Follow instructions on the back)

REVISED

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 39.011 - Section 101		OMB Approval No. 0348-0039	Page of 1 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 4/23/2003		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2004	
				To: (Month, Day, Year) 12/31/2004	
10. Transactions:		I Previously Reported		II This Period	
				III Cumulative	
a. Total outlays		1,709,142.05		4,916,514.40	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		1,709,142.05		4,916,514.40	
				6,625,656.45	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g State Matching Funds				508,662.50	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00		508,662.50	
				508,662.50	
j. Federal share of net outlays (line d less line i)		1,709,142.05		4,407,851.90	
				6,116,993.95	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				6,116,993.95	
o. Total Federal funds authorized for this funding period				15,081,121.46	
p. Unobligated balance of Federal funds (Line o minus line n)				8,964,127.51	
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A	c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Total funds reflected on Line O include Interest accrued in 2003 and 2004. Interest accrued in 2003 - \$286,380.60. Interest accrued in 2004 - \$347,160.86.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Dawn K. Roberts, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted February 28, 2006	

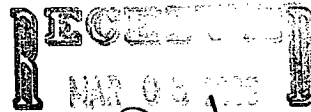
020887



STATE OF FLORIDA
DEPARTMENT OF STATE

DIVISION OF ELECTIONS

Jeb Bush
Governor



BY: 

Glenda E. Hood
Secretary of State

March 2, 2005

ORIGINAL

The Honorable Gracia M. Hillman, Chair
U.S. Election Assistance Commission
State HAVA Funding Report
1225 New York Avenue, NW – Suite 1100
Washington, DC 20005

Dear Chairman Hillman:

Enclosed is Florida's report regarding the use of HAVA Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. Included with the report is Standard Form 269.

If you have any questions or would like additional information, please let us know.

Sincerely,



Dawn K. Roberts, Esq.
Director

DKR/aj

Enclosures


H30305.715

020388

ORIGINAL

FINANCIAL STATUS REPORT
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 39.011 - Section 101		OMB Approval No. 0348-0039	Page of 1 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 4/23/2003		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2004		7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual	
		To: (Month, Day, Year)		To: (Month, Day, Year) 12/31/2004	
10. Transactions:		I Previously Reported		II This Period	
		III Cumulative			
a. Total outlays		1,709,142.05		4,407,879.33	
b. Refunds, rebates, etc.				0.00	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		1,709,142.05		4,407,879.33	
				6,117,021.38	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g State Matching Funds				508,662.50	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		0.00		508,662.50	
				508,662.50	
j. Federal share of net outlays (line d less line i)		1,709,142.05		3,899,216.83	
				5,608,358.88	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				5,608,358.88	
o. Total Federal funds authorized for this funding period				12,738,437.95	
p. Unobligated balance of Federal funds (Line o minus line n)				7,130,079.07	
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense		a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed			
		b. Rate N/A			
		c. Base		d. Total Amount	
				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Interest accrued during 2004 - \$347,160.87					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Dawn K. Roberts, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted March 2, 2005	

020889

ORIGINAL

**FLORIDA DEPARTMENT OF STATE
REPORT ON EXPENDITURE OF TITLE I FUNDS DURING CALENDAR YEAR 2004**

As requested by the U. S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2004 utilizing HAVA Title I funds.

COMPLYING WITH REQUIREMENTS OF TITLE III - \$1,623,298

One of the requirements of Title III includes development and implementation of a single statewide voter registration list. In order to begin the development of a system in Florida that meets the criteria outlined in HAVA, the 2003 Florida Legislature appropriated \$1 million for Phase One Development of the Florida Voter Registration System (FVRS). Funds were provided to conduct the research and planning required in order to design and develop the system.

The Legislature also authorized establishment of nine full-time positions to assist with developing and implementing the FVRS. Five of the positions are assigned to the Department of State and two each are in the Florida Department of Highway Safety and Motor Vehicles (HSMV) and the Florida Department of Law Enforcement (FDLE).

One of the five positions in the Department of State has been designated as Project Manager. The remaining four positions have been utilized to conduct research and planning for the project that was required prior to initiating the development phase of the system. Positions at HSMV and FDLE are working with the Department of State to determine ways to coordinate databases maintained by those agencies with the Florida Voter Registration System.

The Department of State contracted with a consulting firm to provide project management and quality assurance services for the project. A separate firm was retained to assist with application design and engineering services.

As the project has developed, funds have been expended to purchase software licenses for software programs that will be used to operate the system. Other funds were used to provide training for employees who will be using the software programs.

Other expenditures related to development of the FVRS include travel expenses for project team members who held numerous meetings with Florida's supervisors of elections and their staff as well as vendors of voter registration systems that conduct business in Florida. Project team members also conducted site visits with election officials in other states that utilize centralized voter registration systems.

Development of the statewide voter registration system (FVRS) is described extensively in the HAVA State Plan on pages 26 through 33, page 38 and page 56.

ELECTIONS ADMINISTRATION - \$394,436

The Department of State established three positions to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to assure compliance with federal requirements regarding their use. These positions administer several contract programs that provide funds to supervisors of elections for HAVA-related activities including voter education as well as funds utilized to purchase voting systems equipment.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

NOTE 

ORIGINAL

Other Title I expenditures include costs associated with printing documents that were provided to supervisors of elections to meet the requirements of HAVA including "Instructions to Voters" posters and "Stamp Out Voter Fraud" posters. Additional publications that were printed and distributed to supervisors of elections include revised "Florida Voter Registration Application" forms, "Florida Registration and Voting Guide" and "A Compilation of Florida Election Laws."

Reference to posters/publications required by HAVA can be found in the State Plan on pages 20 through 24 and on page 60.

The Department of State used Title I funds to contract with an organization to develop two programs that were used by supervisors of elections to assist with providing elections-related information to Florida's citizens. One of the programs included development and distribution of materials that could be used in all counties throughout the state to encourage voter participation in the 2004 elections. The program included instructions and ideas for utilizing the materials. The other program involved developing and conducting a voter awareness and education program regarding the use of Direct Recording Equipment (DRE's).

These programs are included in Florida's HAVA State Plan on page 45.

VOTER EDUCATION - \$2,333,346

During 2004, Florida distributed \$2,333,346 to Florida's 67 county supervisors of elections to assist counties with conducting voter education programs. In order to receive voter education funding, counties were required to submit a detailed voter education plan to the Department of State along with a certified statement from the Board of County Commissioners providing matching county funds in the amount of fifteen percent (15%) to be used exclusively for voter education.

The Department of State recently conducted a survey regarding voter education programs being conducted in each county and prepared a report regarding the various types of voter education activities being utilized throughout the state. Responses to the survey indicated that counties are using voter education funds to disseminate information regarding the elections process through a variety of mediums in order to target as many diverse populations throughout the state as possible. Examples of voter education programs include the following:

- Printing and mailing sample ballots to registered voters
- Publishing sample ballots in local newspapers including those that target specific populations such as minority and college-age voters
- Conducting voting systems demonstrations at various types of locations including malls, businesses, community events, assisted living facilities and schools. Demonstrations included instructions on completing a ballot as well as using the voting systems equipment
- Printing a variety of publications with elections-related information including posters regarding voters rights and responsibilities to display at each polling place
- Conducting voter registration drives in a variety of locations such as malls, schools and businesses

A number of other voter education programs have been successfully implemented in the counties with excellent response from local citizens. It is apparent that counties are being innovative and

ORIGINAL

resourceful in utilizing voter education funds in order to inform and educate citizens about the elections process.

Florida's voter education program is discussed in detail in the HAVA State Plan on pages 37 through 47 as well as on page 58.

TRAINING ELECTION OFFICIALS, POLL WORKERS AND ELECTION VOLUNTEERS - \$23,331

The Department of State contracted with a communications consulting firm to develop and prepare a video titled "Conflict Management Skills for Poll Workers." It was used to help poll workers understand how to handle potentially difficult situations at polling places. The video was distributed to each of the 67 county supervisors of elections to use as part of their poll worker training.

Development of this video was not specifically addressed in the HAVA State Plan, however, it is consistent with the direction outlined in the State Plan for training poll workers found on pages 49 and 50.

DEVELOPING STATE PLAN - \$33,468

The Department of State contracted with a consulting firm to facilitate revisions and updates to the HAVA State Plan. The firm worked with Department staff to draft proposed revisions to the original plan and to develop goals and performance measures to present to the HAVA State Planning Committee for review, discussion and inclusion in the revised document.

In addition to consultant firm fees, expenditures related to this activity included travel expenses for HAVA State Planning Committee members and Department of State staff who attended the State Planning Committee meetings. The meetings were held in two different geographical locations in Florida in order to provide accessibility to all citizens who were interested in attending and/or participating in the meetings.

Management of the State Plan and State Planning Committee is addressed on page 59 in the HAVA State Plan.

INTEREST ACCRUED

During 2004 the Department of State invested Title I, Section 101 funds and accrued \$347,160.87 in interest.

NOTE

FINANCIAL STATUS REPORT
(Long Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted U. S. Election Assistance Commission		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 39.011 - Section 101		OMB Approval No. 0348-0039	Page of 1 of 1 pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State 500 South Bronough Street Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See instructions) From: (Month, Day, Year) 4/23/2003		To: (Month, Day, Year)		9. Period Covered by this Report From: (Month, Day, Year) 1/1/2005	
				To: (Month, Day, Year) 12/31/2005	
10. Transactions:					
		I Previously Reported		II This Period	
				III Cumulative	
a. Total outlays		6,625,656.45		4,220,745.52	
b. Refunds, rebates, etc.				10,846,401.97	
c. Program income used in accordance with the deduction alternative				0.00	
d. Net outlays (Line a, less the sum of lines b and c)		6,625,656.45		4,220,745.52	
				10,846,401.97	
Recipient's share of net outlays, consisting of:					
e. Third party (in-kind) contributions				0.00	
f. Other Federal awards authorized to be used to match this award				0.00	
g. Program income used in accordance with the matching or cost sharing alternative				0.00	
h. All other recipient outlays not shown on lines e, f or g State Matching Funds		508,662.50		0.00	
i. Total recipient share of net outlays (Sum of lines e, f, g and h)		508,662.50		0.00	
				508,662.50	
j. Federal share of net outlays (Line d less line i)		6,116,993.95		4,220,745.52	
				10,337,739.47	
k. Total unliquidated obligations					
l. Recipient's share of unliquidated obligations					
m. Federal share of unliquidated obligations					
n. Total Federal share (sum of lines j and m)				10,337,739.47	
o. Total Federal funds authorized for this funding period				15,331,718.09	
p. Unobligated balance of Federal funds (Line o minus line n)				4,993,978.62	
Program income, consisting of:					
q. Disbursed program income shown on lines c and/or g above					
r. Disbursed program income using the addition alternative					
s. Undisbursed program income					
t. Total program income realized (Sum of lines q, r and s)				0.00	
11. Indirect Expense					
a. Type of Rate (Place "X" in appropriate box) <input checked="" type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate N/A		c. Base		d. Total Amount	
				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation. Total funds reflected on Line O include Interest accrued in 2003, 2004 and 2005. Interest accrued in 2003 - \$286,380.60. Interest accrued in 2004 - \$347,160.86. Interest accrued in 2005 - \$250,596.63.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Dawn K. Roberts, Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official <i>Sarah Jane Bradshaw for Dawn Roberts</i>				Date Report Submitted February 28, 2006	

ORIGINAL

**FLORIDA DEPARTMENT OF STATE
REPORT ON EXPENDITURE OF TITLE I, SECTION 101 FUNDS DURING 2005**

As requested by the U.S. Election Assistance Commission, listed below is a detailed list of expenditures and a description of the related activities conducted by the Florida Department of State during calendar year 2005 utilizing Help America Vote Act (HAVA) Title I, Section 101 funds.

VOTER EDUCATION - \$3,829,808

During calendar year 2005 Florida distributed \$3,829,808 to the 67 county supervisors of elections to be utilized for voter education purposes. In order to receive the funds each supervisor of elections was required to submit a detailed plan outlining the anticipated uses of the funds. In addition to the plan, each Board of County Commissioners was required to provide fifteen percent matching funds to be used exclusively for voter education purposes.

County supervisors of elections are required to submit a report to the Department of State on an annual basis regarding voter education programs conducted in the counties until the funds distributed by the state are depleted. Based on the latest reports from supervisors of elections, counties continue to employ numerous voter education activities in an effort to involve citizens in the elections process.

These activities include printing and mailing sample ballots to registered voters, conducting voter registration drives at various locations and events throughout the county, disseminating information regarding election dates and related deadlines through a variety of media sources, and conducting demonstrations on the use of voting systems equipment.

Florida's voter education program is discussed in the HAVA State Plan on pages 37 through 47 and on page 58.

ELECTION ADMINISTRATION - \$303,394

Florida established three positions in the Department of State to provide administrative oversight and coordination for HAVA-related activities. Employees in these positions are responsible for monitoring HAVA expenditures to ensure compliance with federal requirements. The positions administer several contract programs that provide funds to county supervisors of elections for HAVA-related activities including voter education and voting systems assistance programs. In addition, the positions are responsible for administering grant funds awarded by the U. S. Department of Health and Human Services under the Voting Access for Individuals with Disability (VOTE) grant program.

Recommendations regarding establishment of positions associated with HAVA Oversight and Reporting can be found on page 59 in the HAVA State Plan.

Additional Title I funds were utilized to print several documents that were distributed to county supervisors of elections including a revised voter registration application form. Reference to publications required by HAVA can be found in the HAVA State Plan on pages 20 through 24 and on page 60.

The state contracted with an organization to assist county supervisors of elections with developing and implementing plans to make polling places and voting systems equipment accessible to individuals with disabilities. Reference to polling place accessibility is included in the HAVA State Plan on page 80 and 81.

ORIGINAL

COMPLYING WITH REQUIREMENTS OF TITLE III - \$87,544

One of the requirements of Title III includes development and implementation of a statewide voter registration system. The 2003 Florida Legislature appropriated funds to begin development of a system that would meet the criteria outlined HAVA. The Legislature included authority to establish five positions in the Department of State to assist with developing and implementing the voter registration system. Title I, Section 101 funds were used to fund these positions during the first few months of 2005. The positions were funded with Title II funds during the remainder of 2005.

Reference to these positions can be found in the HAVA State Plan on page 56 and 61.

INTEREST ACCRUED - \$250,596.63

During 2005 the Department of State invested Title I, Section 101 funds and accrued \$250,596.63 in Interest.



ORIGINAL

FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF ELECTIONS

*Donnelm
Filed*



February 28, 2006

The Honorable Paul S. DeGregorio, Chairman
U.S. Election Assistance Commission
State HAVA Funding Reports
1225 New York Avenue, NW – Suite 1100
Washington, D.C. 20005

Dear Mr. DeGregorio:

Enclosed are Florida's narrative reports regarding HAVA, Title I, Section 101 and 102 funds for the period from January 1, 2005 through December 31, 2005. A separate SF 269 form is included for Section 101 and Section 102 funds.

Also enclosed is a an updated SF 269 covering Title I, Section 101 funds for the period from January 1, 2004 through December 31, 2004. The entry on Line "o - Total Federal funds authorized for this funding period" has been adjusted to include Florida's portion of Section 101 funds plus Interest accrued on those funds during 2003 and 2004.

If you have any questions or would like additional information, please let us know.

Sincerely,

Sarah Jane Bradshaw

for Dawn K. Roberts, Esq.
Director, Division of Elections

Enclosures

DKR/BL/aj

020896



ORIGINAL

Jeb Bush
Governor

STATE OF FLORIDA
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Glenda E. Hood
Secretary of State

January 22, 2004

Ms. Deborah Schilling
Director of Budget
United States General Services Administration
1800 F Street, NW
Washington, D.C. 20405-0002

Dear Ms. Schilling:

Enclosed are Financial Status Reports regarding HAVA expenditures for the period ending December 31, 2003. A separate form has been prepared for Section 101 and Section 102 funds as requested. These documents were also faxed to your office on January 21, 2004.

If you have any questions or need additional information, please let us know.

Sincerely,

Edward C. Kast
Director, Division of Elections

EK/BL/aj

Enclosure

FEB 10 2004
BB rec'd



GLEND A. HOOD
 SECRETARY OF STATE
 STATE OF FLORIDA

STATE OF FLORIDA
 PRELIMINARY DRAFT
 HAVA PLAN / 71

Help America Vote Act of 2002 (HAVA) State Plan Chart

Voting Systems--Section 301 Compliance January 1, 2006)	Meets	Partially Meets	Does Not Meet	Described in Plan
Verify Ballot	X			
Change or Correct Ballot	X			
Prevent Overvotes	X			
Absentee instructions		X		
Absentee privacy and confidentiality	X			
Paper record for audits	X			
Systems for voters with disabilities		X		
Future voting systems purchases comply with HAVA	X			
Alternative language accessibility	X			
Comply with FEC error rates	X			
Define what constitutes a vote	X			
Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)	Meets	Partially Meets	Does Not Meet	Described in Plan
Laws require notification to cast provisional ballot	X			
Provisional ballots permitted with written affirmation of voter eligibility	X			
Provisional ballots given to election officials for determination	X			
Provisional ballots counted if voter is determined to be eligible	X			
Voters provided information to ascertain if provisional ballot counted	X			
"Free access system" provided to ascertain if provisional ballot counted			X	
Sample ballots are posted for election	X			
Date of election and polling place hours are posted	X			
Voting instructions and provisional voting instructions are posted on election day			X	
Voting instructions for mail-in registrants and first-time voters on election day			X	
Voting rights information and provisional ballot information posted	X			
Contact information posted for voters whose rights have been violated			X	
Information posted on prohibition of fraud and misrepresentation	X			
Provisional ballots segregated for those who vote after special extended poll hours	X			

020898



GLEND A. HOOD
 SECRETARY OF STATE
 STATE OF FLORIDA

STATE OF FLORIDA
 PRELIMINARY DRAFT
 HAVA PLAN / 72

Voter Registration List--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)	Meets	Partially Meets	Does Not Meet	Described in Plan
Single, uniform, official centralized, interactive computer statewide, voter registration list			X	
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver			X	
HAVA's ID requirements for voters who register by mail and not previously voted	X			
HAVA's requirement for voter registration language in mail registration forms	X			
Local Government Payments and Activities [Section 254(a)(2)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe criteria for funding				X
Describe methods to monitor performance				X
Voter Education [Section 254(a)(3)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe voter education programs to support Title III				X
Describe election official education and training to support Title III				X
Describe poll worker training to support Title III				X
Voting System Guidelines and Processes [Section 254(a)(4)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe Florida's voting system guidelines and processes consistent with Section 301				X
HAVA Election Fund [Section 254(a)(5)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe how Florida will establish a HAVA fund				X
Describe how Florida will manage the HAVA fund				X
Florida's HAVA Budget [Section 254(a)(6)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe costs of activities to meet Title III				X
Describe portion of requirements payment to carry out requirements activities				X
Describe portion of requirements payment to carry out other activities				X

020899



GLENDA E. HOOD
 SECRETARY OF STATE
 STATE OF FLORIDA

STATE OF FLORIDA
 PRELIMINARY DRAFT
 HAVA PLAN / 73

Florida's Maintenance of Effort [Section 254(a)(7)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe how Florida will maintain election expenditures at the FY 1999-2000 level				X
Florida's Performance Goals and Measures [Section 254(a)(8)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe how Florida will adopt performance goals measures to determine HAVA success				X
Administrative complaint process [Section 254(a)(9)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Established a State-based administrative complaint process to remedy grievances	X			
Effect of Title I Payments [Section 254(a)(10)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe how Title I payments will affect activities of HAVA plan				X
HAVA State Plan Management [Section 254(a)(11)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe how Florida will manage plan and make material changes to plan				X
HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe how this year's plan changed from the previous fiscal year				X
HAVA State Plan Development and Planning Committee [Section 254(a)(13)]	Meets	Partially Meets	Does Not Meet	Described in Plan
Describe the committee and procedures used to develop the HAVA plan				X

020900

020901

COMPLAINT
For Alleged Violation of the
Help America Vote Act of 2002
(42 U.S.C. §15512)

Florida Department of State, Division of Elections
Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250
Telephone (850) 245-6200

Pursuant to section 97.028, Florida Statutes, the Department of State has sole jurisdiction to adjudicate alleged violations of Title III of the Help America Vote Act of 2002 (HAVA). Any person who believes that a violation of Title III of HAVA has occurred, is occurring or is about to occur may file a complaint. In order to initiate the complaint process, a sworn, written complaint must be filed with the Department of State. The complaint must specifically state the alleged violation and the person or entity responsible for the violation. A violation of Title III of HAVA is the failure to perform an act required by or the performance of an act prohibited by Title III of HAVA in a federal election.

PERSON BRINGING COMPLAINT

Name _____ Home Phone _____ Work Phone _____
Address _____ County _____
City _____ State _____ Zip Code _____

PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (limit one person/entity per form)

Name _____ Home Phone _____ Work Phone _____
Address _____ County _____
City _____ State _____ Zip Code _____

VIOLATION

If you believe that a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring or is about to occur, please state the specific acts committed by the person or entity named in this complaint:

020902

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

Check here if additional pages are attached _____

STATE OF FLORIDA,

COUNTY OF _____

I, the undersigned, under penalty of perjury, do swear or affirm that the information contained in this complaint is true and correct to the best of my knowledge.

Signature of Complainant

Sworn to and subscribed before me this _____ day of _____, 20____.

Signature of Officer Authorized to Administer Oaths or Notary Public

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ Or Produced Identification _____

Type of Identification Produced _____

NOTICE: This Complaint is not confidential and, once filed with the Department of State, will be treated as a public record.

020904

COMPLAINT
For Alleged Violation of the
National Voter Registration Act of 1993
(42 U.S.C. 1973gg-1 et seq.)

Department of State for the State of Florida, Division of Elections
The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399-0250
Telephone (850) 245-6200

Pursuant to section 97.023, Florida Statutes, the Department of State, Division of Elections has primary jurisdiction to mediate alleged violations of the National Voter Registration Act of 1993, and of voter registration and removal procedures. In order for a violation to exist, the Department of State, a voter registration agency, a county supervisor of elections, the Department of Highway Safety and Motor Vehicles or an Armed Forces Recruitment Center must have committed the violation.

PERSON BRINGING COMPLAINT

Name _____ Home Phone _____ Work Phone _____
Address _____ County _____
City _____ State _____ Zip Code _____

PERSON OR ENTITY AGAINST WHOM COMPLAINT IS BROUGHT (limit one person/entity per form)

Name _____ Work Phone _____
Address _____ County _____
City _____ State _____ Zip Code _____

VIOLATION

If you believe you have been denied the right to register to vote, to update your existing voting registration record, or have been unlawfully removed from the registration books in violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-1 et seq.), please state the specific acts committed by the person or entity named in this complaint:

STATEMENT OF FACTS

State in your own words the detailed facts and circumstances that form the basis of your complaint, including any relevant person(s). In your narrative explanation, please include relevant dates and times and the names and addresses of other persons whom you believe have

36020

[illegible]

Signature of complainant

Date Signed _____

Print or type name of complainant

Page 2 of 2

Form DS DE 18 (4/03)



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A E. HOOD
Secretary of State

November 10, 2003

Ms. Penelope Bonsall, Director
Office of Election Administration
Federal Elections Commission
999 E. Street NW
Washington, D.C. 20463

RE: State of Florida request for waiver pursuant to Section 303(d) of the Help
America Vote Act of 2002

Dear Ms. Bonsall:

Section 303(a) of the Help America Vote Act of 2002 requires each state to implement a computerized statewide voter registration list by the January 1, 2004, date specified in Section 303(d)(1)(A) of the same statute. Section 303(d)(1)(B) provides for states to request an extension of the aforementioned deadline until January 1, 2006. The purpose of this correspondence is to certify that, for good cause as outlined below, the State of Florida is unable to meet the January 1, 2004, implementation date called for in Section 303(d)(1)(A), and respectfully requests an extension of the deadline as permitted by law until January 1, 2006.

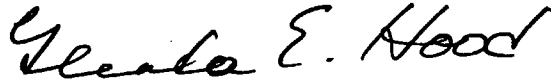
Florida has a tradition of administering voter registration at the county level jurisdiction. Each of Florida's sixty-seven counties has a constitutionally elected officer known as the supervisor of elections who is responsible for maintaining voter registration lists in their respective county. Each supervisor of elections is also responsible for determining the type of information technology appropriate for supporting voter registration activities in their jurisdiction and the manner in which registration records are maintained. The steps required to: (1) assess county-administered voter registration systems; (2) develop methods for consolidating a variety of voter registration lists with individual nuances into a single computerized statewide system; and (3) provide for future coordination of county voter registration activities with the statewide list will require more time than provided by the January 1, 2004, implementation date.

The Florida Department of State is working diligently to implement a statewide voter registration system that will meet all the requirements of Title III. Some of the steps already taken by the State of Florida in order to develop and implement a statewide voter registration system include: hiring a project director; executing agreements with our state Departments of Highway Safety

Ms. Penelope Bonsall, Director
November 10, 2003
Page 2

Motor Vehicles and Law Enforcement that outline data exchange procedures; and creating task groups comprised of county election officials and Department of State personnel in order to address technical and procedural issues relating to the creation of the centralized registration system. Given the steps already taken by the Florida Department of State and the other departments involved, and the scope of the work remaining to be done, I am confident that the State of Florida will be successful in having a statewide computerized voter registration system operational by the January 1, 2006, extended deadline requested herein.

Sincerely,

A handwritten signature in black ink that reads "Glenda E. Hood". The signature is written in a cursive style with a large, stylized "G" and "H".

Glenda E. Hood
Secretary of State

GEH/eck/pt

020907



STATE OF FLORIDA
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Jeb Bush
Governor

Glenda E. Hood
Secretary of State

December 23, 2003

Ms. Penelope Bonsall, Director
Election Assistance Commission
c/o Office of Election Administration
999 E. Street, N.W.
Washington, D.C. 20463

**RE: State of Florida Request for waiver pursuant to Section 303(d) of the
Help America Vote Act of 2002**

Dear Ms. Bonsall:

Enclosed is a copy of the November 10, 2003 letter that was submitted by the State of Florida in order to request an extension of the January 1, 2004 deadline for implementing a computerized statewide voter registration list. The letter was sent to the Federal Elections Commission pending appointment of the Elections Assistance Commission.

Although members of the Elections Assistance Commission have been appointed and confirmed, they still don't have an address. We are resubmitting a copy of the State of Florida's original request to the new Elections Assistance Commission in care of your office in order to meet the January 1, 2004 deadline for requesting a waiver and extension for implementing the statewide voter registration list.

Sincerely,

Sarah Jane Beadshaw
for Edward C. Kast
Director, Division of Elections

EK/BL/aj

Enclosure

020908



STATE OF FLORIDA
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Jeb Bush
Governor

Glenda E. Hood
Secretary of State

January 22, 2004

Ms. Deborah Schilling
Director of Budget
United States General Services Administration
1800 F Street, NW
Washington, D.C. 20405-0002

Dear Ms. Schilling:

Enclosed are Financial Status Reports regarding HAVA expenditures for the period ending December 31, 2003. A separate form has been prepared for Section 101 and Section 102 funds as requested. These documents were also faxed to your office on January 21, 2004.

If you have any questions or need additional information, please let us know.

Sincerely,

Edward C. Kast
Director, Division of Elections

EK/BL/aj

Enclosure


FEB 10 2004
BB rec'd

020909

ORIGINAL**FINANCIAL STATUS REPORT**

(Short Form)

(Follow instructions on the back)

1. Federal Agency and Organizational Element to Which Report is Submitted General Services Administration		2. Federal Grant or Other Identifying Number Assigned By Federal Agency 39.011 Section 101		OMB Approval No. 0348-0039	Page of pages
3. Recipient Organization (Name and complete address, including ZIP code) Florida Department of State Division of Elections 107 W. Gaines Street, Room 100 Tallahassee, FL 32399-0250					
4. Employer Identification Number F593466865		5. Recipient Account Number or Identifying Number 45-20-2-339097-00000000-00-000000-00		6. Final Report <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Basis <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrual					
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year) 4-23-03		To: (Month, Day, Year) Open		9. Period Covered by this Report From: (Month, Day, Year) 4-23-03	
				To: (Month, Day, Year) 12-31-03	
10. Transactions		I Previously Reported		II This Period	
				III Cumulative	
a. Total outlays				1,709,142.05	
b. Recipient share of outlays				—	
c. Federal share of outlays				1,709,142.05	
d. Total unliquidated obligations				—	
e. Recipient share of unliquidated obligations				—	
f. Federal share of unliquidated obligations				—	
g. Total Federal share (Sum of lines c and f)				1,709,142.05	
h. Total Federal funds authorized for this funding period				14,447,580.00	
i. Unobligated balance of Federal funds (Line h minus line g)				12,738,437.95	
11. Indirect Expense N/A					
a. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed					
b. Rate		c. Base		d. Total Amount	
				e. Federal Share	
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.					
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.					
Typed or Printed Name and Title Edward C. Kast Director, Division of Elections				Telephone (Area code, number and extension) 850-245-6200	
Signature of Authorized Certifying Official 				Date Report Submitted 1-20-04	

020910



GLEND E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 95

Stakeholders/Representatives of Groups of Individuals with Disabilities:

Dave Evans, State Board Member of the National Federation of the Blind

Jim Kracht, Assistant County Attorney for Miami-Dade County and member of the American Blind Lawyers Association, American Council of the Blind and the Florida Council of the Blind

Richard LaBelle, Secretary of the Florida Coalition on Disability Rights

Other Stakeholders and Citizens:

Joe Celestin, Mayor of the City of North Miami

Anna Cowin, State Senator from District 20

Jane Gross, President of the Florida League of Women Voters

Jennifer Carroll, State Representative from District 13

Arthur Hernandez, Vice Chairman of the Jacksonville Mayor's Hispanic American Advisory Board

Percy Luney, Dean and Professor of Law at Florida A&M University

Reggie McGill, Human Relations Director for the City of Orlando

Isis Segarra, private citizen from Hillsborough County

Lori Stelzer, Former President of the Florida Association of City Clerks and City Clerk for the City of Venice

Raiza Tamayo, Regional Director of the United States Hispanic Chamber of Commerce

This HAVA Planning Committee convened two times in public meetings to update the State Plan—Orlando, Florida on May 24, 2004 and Hollywood, Florida on June 4, 2004. All meetings were noticed in the *Florida Administrative Weekly*. Members of the public and press were welcomed at the meetings. The HAVA Planning Committee heard public comment at each meeting. It was assisted by a non-profit, non-partisan organization, the Collins Center for Public Policy, Inc., that was selected in a public bidding process to serve as staff for the HAVA Planning Committee in updating the HAVA State Plan, and by the Division of Elections of the Florida Department of State.

The HAVA Planning Committee operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. A majority quorum of HAVA Planning Committee members was present for the Orlando meeting. At the Hollywood meeting, the HAVA Planning Committee was one member short of meeting a majority quorum. As a result, members present at the Hollywood meeting conducted a workshop on the proposed changes. At the end of the meeting, the nine HAVA Planning Committee members in attendance moved to approve the changes they had discussed. The Collins Center then obtained approval from the members not present at the Hollywood meeting to incorporate the changes into the working draft. The HAVA Planning Committee received two drafts of the final plan before voting to approve the updates and sending the plan to the Division of Elections.

020911



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 96

The Collins Center, as staff, prepared written materials for the meetings, made presentations to focus the HAVA Planning Committee on decisions that needed to be made, and took notes of all meetings. A formal transcript of each meeting also was made. All agendas and other published materials for meetings of the HAVA Planning Committee were made available at the meetings. The website of the State Division of Elections also included much of this material.

All meetings were held in accessible facilities and were compliant with the Americans with Disabilities Act. Closed captioning service was available at all meetings. Agendas were printed in Braille as well as Spanish and Creole.

Section 256: Will Florida comply with the requirement of Section 256 to have the HAVA State Plan meet the public notice and comment requirements of HAVA?

Yes, and no further actions are required.

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

- (1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
- (2) the State shall publish notice that the preliminary version of the plan is so available; and
- (3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan which will be filed with the Election Assistance Commission.

After the final updated HAVA State Plan is submitted to the Election Assistance Commission, that Commission shall cause the HAVA State Plan to be published in the Federal Register in accordance with Section 255(b).

These tasks were performed by the Division of Elections and not by the HAVA Planning Committee or its consultants. The work of the HAVA Planning Committee and its consultants was completed when a preliminary version of the HAVA State Plan was prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After notice is given in the *Florida Administrative Weekly*, the preliminary version of the HAVA State Plan will be posted on the Department of State's and the Governor's websites. A link is available on the Department's website so that public comment can be made electronically. Public comments also will be received by U. S. mail. Public comments will be considered in preparing the final plan.



GLEND A. HOOD
 SECRETARY OF STATE
 STATE OF FLORIDA

STATE OF FLORIDA
 HAVA PLAN UPDATE / 97

Help America Vote Act of 2002 State Plan Chart

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
Voting Systems--Section 301 Compliance January 1, 2006)					
Verify Ballot	X				Meets
Change or Correct Ballot	X				Meets
Prevent Overvotes	X				Meets
Absentee instructions	X				Meets
Absentee privacy and confidentiality	X				Meets
Paper record for audits	X				Meets
Systems for voters with disabilities		X			Partially meets
Future voting systems purchases comply with HAVA	X				Meets
Alternative language accessibility	X				Meets
Comply with FEC error rates	X				Meets
Define what constitutes a vote	X				Meets
Provisional Voting and Voter Information--Section 302 (Compliance January 1, 2004)					
Laws require notification to cast provisional ballot	X				Meets
Provisional ballots permitted with written affirmation of voter eligibility	X				Meets
Provisional ballots given to election officials for determination	X				Meets
Provisional ballots counted if voter is determined to be eligible	X				Meets
Voters provided information to ascertain if provisional ballot counted	X				Meets
"Free access system" provided to ascertain if provisional ballot counted	X				Meets
Sample ballots are posted for election	X				Meets
Date of election and polling place hours are posted	X				Meets
Voting instructions and provisional voting instructions are posted on election day	X				Meets
Voting instructions for mail-in registrants and first-time voters on election day	X				Meets
Voting rights information and provisional ballot information posted	X				Meets
Contact information posted for voters whose rights have been violated	X				Meets
Information posted on prohibition of fraud and misrepresentation	X				Meets

2003



GLEND E. HOOD
 SECRETARY OF STATE
 STATE OF FLORIDA

STATE OF FLORIDA
 HAVA PLAN UPDATE / 98

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
Provisional ballots segregated for those who vote after special extended poll hours	X				Meets
Voter Registration--Section 303 (Compliance January 1, 2004 or extension January 1, 2006)	Meets	Partially Meets	Does Not Meet	Described in Plan	
Single, uniform, official centralized, interactive computer statewide, voter registration list			X		Does not meet
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver	X				Meets
HAVA's ID requirements for voters who register by mail and not previously voted	X				Meets
HAVA's requirement for voter registration language in mail registration forms	X				Meets
Local Government Payments and Activities [Section 254(a)(2)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe criteria for funding				X	Updated
Describe methods to monitor performance				X	Updated
Voter Education [Section 254(a)(3)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe voter education programs to support Title III				X	Updated
Describe election official education and training to support Title III				X	Updated
Describe poll worker training to support Title III				X	Updated
Voting System Guidelines and Processes [Section 254(a)(4)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe Florida's voting system guidelines and processes consistent with Section 301				X	Meets
HAVA Election Fund [Section 254(a)(5)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Florida will establish a HAVA fund				X	Updated
Describe how Florida will manage the HAVA fund				X	Updated
Florida's HAVA Budget [Section 254(a)(6)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe costs of activities to meet Title III				X	Updated
Describe portion of requirements payment to carry out requirements activities				X	Updated
Describe portion of requirements payment to carry out other activities				X	Updated
Florida's Maintenance of Effort [Section 254(a)(7)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Florida will maintain election expenditures at the 1999-2000 FY				X	Updated

00814



GLEND E. HOOD
 SECRETARY OF STATE
 STATE OF FLORIDA

STATE OF FLORIDA
 HAVA PLAN UPDATE / 99

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
	Meets	Partially Meets	Does Not Meet	Described in Plan	
Florida's Performance Goals and Measures [Section 254(a)(8)]					
Describe how Florida will adopt performance goals measures to determine HAVA success				X	Updated
Administrative complaint process [Section 254(a)(9)]					
Established a state-based administrative complaint process to remedy grievances	X				Meets
Effect of Title I Payments [Section 254(a)(10)]					
Describe how Title I payments will affect activities of HAVA plan				X	Updated
HAVA State Plan Management [Section 254(a)(11)]					
Describe how Florida will manage plan and make material changes to plan				X	Updated
HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]					
Describe how this year's plan changed from the previous fiscal year				X	Updated
HAVA State Plan Development and Planning Committee [Section 254(a)(13)]					
Describe the committee and procedures used to develop the HAVA plan				X	Updated

020915



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 100

Appendix A

INSTRUCTIONS TO VOTERS

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished marking your ballot, take your ballot and put it into the precinct tabulator.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have voted your provisional ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Do not put your ballot through the precinct tabulator. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

DS-DE 67 OS
1/04



STATE OF FLORIDA

020916



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 101

Appendix B

INSTRUCTIONS TO VOTERS

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished voting your ballot, be sure to press the VOTE or CAST BALLOT button to cast your vote.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have marked this paper ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

DS-DE 66 TS
1/04



STATE OF FLORIDA

020917



Appendix C

INSTRUCCIONES PARA LOS VOTANTES

Instrucciones para los votantes

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termine de marcar su boleta, lleve su boleta y póngala en el tabulador del precinto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya votado con su boleta provisional, colóquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. No coloque su boleta a través del tabulador del precinto. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

DS-DE 75 OS
1/04



STATE OF FLORIDA

020918



GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 103

Appendix D

INSTRUCCIONES PARA LOS VOTANTES

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termina de votar su boleta, asegúrese de oprimir el botón de VOTAR o ECHAR LA BOLETA para echar su voto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya marcado esta boleta de papel, colóquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

DS-DE 74 TS



STATE OF FLORIDA

020919



Appendix E

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

You may have other voting rights under state and federal laws. If you believe your voting rights have been violated, please contact Florida Department of State, Division of Elections, 1-877-868-3737



GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 105

Appendix F

LA CARTA DE LOS DERECHOS DEL ELECTOR

Todo elector inscrito en este estado tiene el derecho:

1. de votar y de que se cuente con precisión su voto.
2. de que se le permita votar si está en cola para votar cuando estén cerrando oficialmente las urnas en ese condado.
3. de pedir y recibir asistencia para votar.
4. de recibir hasta dos boletas de reemplazo si se equivoca antes de emitir su voto definitivamente.
5. si su inscripción está en duda, de que se le explique el motivo del problema.
6. si su inscripción está en duda, de votar con una boleta provisional.
7. de firmar una declaración jurada para probar su identidad si los funcionarios electorales tienen alguna duda acerca de la identidad del elector.
8. de tener por escrito instrucciones sobre el método de votación para usarlas al votar y, si las pide, de recibir instrucciones verbales por parte de los funcionarios electorales sobre dicho método.
9. de votar sin que lo coaccionen o intimiden los funcionarios electorales ni ninguna otra persona.
10. de votar empleando un sistema que, además de funcionar correctamente, haga posible emitir con precisión los votos.

Usted puede tener otros derechos de la votación bajo el estado y las leyes federales. Si usted cree que sus derechos de la votación se han violado, por favor avise La Sección de Estado de la Florida, la División de Elecciones, 1-877-868-3737.



GLEND A. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 106

Appendix G



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A. HOOD
Secretary of State

November 10, 2005

Ms. Penelope Bonsall, Director
Office of Election Administration
Federal Elections Commission
999 E Street NW
Washington, D.C. 20463

RE: State of Florida request for waiver pursuant to Section 303(d) of the Help
America Vote Act of 2002

Dear Ms. Bonsall:

Section 303(a) of the Help America Vote Act of 2002 requires each state to implement a computerized statewide voter registration list by the January 1, 2004, date specified in Section 303(d)(1)(A) of the same statute. Section 303(d)(1)(B) provides for states to request an extension of the aforementioned deadline until January 1, 2006. The purpose of this correspondence is to certify that, for good cause as outlined below, the State of Florida is unable to meet the January 1, 2004, implementation date called for in Section 303(d)(1)(A), and respectfully requests an extension of the deadline as permitted by law until January 1, 2006.

Florida has a tradition of administering voter registration at the county level jurisdiction. Each of Florida's sixty-seven counties has a constitutionally elected officer known as the supervisor of elections who is responsible for maintaining voter registration lists in their respective county. Each supervisor of elections is also responsible for determining the type of information technology appropriate for supporting voter registration activities in their jurisdiction and the manner in which registration records are maintained. The steps required to: (1) assess county-administered voter registration systems; (2) develop methods for consolidating a variety of voter registration lists with individual nuances into a single computerized statewide system; and (3) provide for future coordination of county voter registration activities with the statewide list will require more time than provided by the January 1, 2004, implementation date.

The Florida Department of State is working diligently to implement a statewide voter registration system that will meet all the requirements of Title III. Some of the steps already taken by the State of Florida in order to develop and implement a statewide voter registration system include: hiring a project director; executing agreements with our state Departments of Highway Safety

020922



GLEND A E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 107

Ms. Penelope Beasly, Director
November 10, 2005
Page 2

Motor Vehicles and Law Enforcement that outline data exchange procedures; and creating task groups comprised of county election officials and Department of State personnel in order to address technical and procedural issues relating to the creation of the centralized registration system. Given the steps already taken by the Florida Department of State and the other departments involved, and the scope of the work remaining to be done, I am confident that the State of Florida will be successful in having a statewide computerized voter registration system operational by the January 1, 2006, extended deadline requested herein.

Sincerely,

Glenda E. Hood
Secretary of State

GEH/ack/pt

020923



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF ELECTIONS

August 5, 2003

Mr. Brian Hancock
Office of Election Administration
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Dear Mr. Hancock:

Attached is the final version of the State of Florida HAVA Plan as required by the Help America Vote Act. The plan is now ready to be published in the Federal Register. Please include the following URL in the introduction to the state plan:
<http://election.dos.state.fl.us/hava/index.shtml>.

If you need further information, please let me know.

Sincerely,

Edward C. Kast
Director, Division of Elections

State of Florida

HAVA Plan

As required by the

**HELP AMERICA VOTE ACT
OF 2002 (HAVA)**

020925

TABLE OF CONTENTS

Letter from Secretary Glenda E. Hood

Introduction	1
Element #1 – A. Section 301 Voting Systems	5
Element #1 – B. Section 302 Provisional Voting and Voting Information	17
Element #1 – C. Section 303 Voter Registration	24
Element #2 – Local Government Payments and Activities.....	31
Element #3 – Voter Education, Election Official Training, Poll Worker Training	35
Element #4 – Voting System Guidelines and Process	45
Element #5 – Election Fund	47
Element #6 – Proposed Budget	49
Element #7 – Maintenance of Effort	55
Element #8 – Performance Goals and Measures	56
Element #9 – Complaint Procedures	59
Element #10 – Title I Budget and Activities	61
Element #11 – State Management	65
Element #12 – Changes to State Plan	67
Element #13 – HAVA Planning Committee and Procedures	68
State of Florida HAVA State Plan Chart	71



**STATE OF FLORIDA
DEPARTMENT OF STATE**

JEB BUSH
Governor

GLEND A. E. HOOD
Secretary of State

July 21, 2003

Dear Election Assistance Commission:

As Chief Election Officer of the State, I am pleased to present the State of Florida HAVA Plan developed pursuant to the Help America Vote Act of 2002. This plan represents Florida's long-range plan for implementing the federal Act, which requires all states to significantly reform the way they conduct elections. As the plan indicates, Florida has already met many of the requirements of HAVA.

Florida's plan was developed through the Help America Vote Act Planning Committee, a group of dedicated individuals representing various constituency groups throughout the State. The plan sets forth the goals of achieving compliance with HAVA and for continuing to improve the elections process in the State of Florida. I commend the Committee for its hard work and diligence in producing the Plan.

As part of the Plan, the Committee was tasked with developing a budget based on the projected federal funds that the State would receive. The Committee considered only those funds projected to be received for the 2003 federal fiscal year. I, along with other election officials throughout the State, encourage Congress to continue the necessary funding to fully implement the requirements of HAVA. Both the State and counties have already spent significant funds to replace outdated voting systems. HAVA allows certain reimbursements for these expenditures and I fully support reimbursement to the State and counties where permissible under the Act. We will continue to examine the possibility of further reimbursement to the state as permitted by HAVA.

This plan recognizes that additional resources are required in order for our Supervisors of Elections to provide continuing voter education to the citizens of the State, to recruit qualified poll workers, and to provide the necessary training for those workers. As Chief Election Officer, I am committed to working closely with and supporting our Supervisors as we continue to ensure Florida voters have every confidence that their vote counts.

Florida will revise and update the plan as necessary to reflect the progress made in implementing HAVA and to chart the future goals and plans for elections. We look forward to continuing our election reform efforts to make this state the model for elections reform throughout the nation.

Glenda E. Hood
Secretary of State

Introduction

Since the aftermath of the General Election of 2000, Florida has led the nation in its election reform efforts to ensure that every registered voter should have the opportunity to vote and to ensure that every vote counts.

The goal is perfection. Reaching that goal in an ever changing democracy and within a diverse population is an ongoing task that requires constant experimentation and learning. The people and the leadership of Florida have dedicated themselves to this course of action.

The struggle for improving our election process reveals itself in many ways. Citizens have increased their involvement by serving on local and State election task forces, researching new voting technologies, debating new standards for poll worker training, increasing voter education opportunities, and registering new voters. The people of Florida continue to make election reform a top priority.

The leadership of Florida has also acted decisively. Florida has enacted legislative and local reforms during the last two years that lead the nation. These reforms include cutting-edge voting system standards, millions of dollars for new voting technology, expanded voter education efforts, and thousands of newly trained poll workers. A statewide poll taken the day of the 2002 General Election found that Floridians gave high marks to the election reform changes including a 91% "excellent-good" rating for poll workers and an 88% confidence rating from voters that their votes will count. These results are not "perfect," but Florida is moving in a positive direction to make all facets of the election process better each time an election is held.

With the passage and signing of the Help America Vote Act of 2002 (HAVA) on October 29, 2002, election reform will spread throughout the nation. The new federal law asks States to develop election reform plans that will improve election administration in many areas. Florida embraces the new federal law and hopes that other States will use it as an opportunity to share new election reform ideas and practices with one another.

The people of Florida have learned many things about election reform. Yet, there are enduring principles which are reflected within many recommendations and changes of Florida's election reform efforts. These principles were developed by Florida's first task force in the aftermath of the 2000 General Election:

Enduring Principles of Elections

- **Elections are first and foremost acts of millions of individual people: citizens who register and vote; candidates who offer themselves and their platforms for public**

judgment; poll workers who put in long days at precincts; and election officials who supervise the process. Honest, responsible, intelligent people will make most technology systems work well.

- Voting should be a simple, convenient and friendly process that encourages each citizen to express his or her choices.
- Voting systems should be designed to determine voter intent, to the extent that is humanly possible.
- Voting methods for statewide and national elections should meet uniform standards and national standards for fairness, reliability and equal protection of voting opportunity.
- Elections must meet two competing objectives: certainty (making every vote count accurately) and finality (ending elections so that governing can begin).
- While voting should be individual and private, procedures for counting and challenging votes should be open, transparent, and easily documented to ensure public confidence in the results.

Fulfilling the promises of these enduring principles will require continued vigilance and action. With this HAVA Plan, Florida continues its journey to mount an increasingly open and fair system of determining the will of the people.

The Help America Vote Act of 2002 requires all States to develop and implement a statewide plan. Listed below are the thirteen primary elements that must be addressed in the plan.

Help America Vote Act of 2002 (HAVA)

Public Law 107-252 – October 29, 2002

SEC. 254. STATE PLAN.

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

Element 1.

How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Element 2.

How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

- A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
- B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

Element 3.

How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.

Element 4.

How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

Element 5.

How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

Element 6.

The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on —

- A) The costs of the activities required to be carried out to meet the requirements of Title III;
- B) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and
- C) The portion of the requirements payment which will be used to carry out other activities.

Element 7.

How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

Element 8.

How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria,

and a description of which official is to be held responsible for ensuring that each performance goal is met.

Element 9.

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

Element 10.

If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

Element 11.

How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change —

- A) Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
- B) Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
- C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

Element 12.

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

Element 13.

A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

020931

Element 1. Use Of Title III Requirements Payments:

A. Voting Systems

How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Introduction

Following the 2000 General Election, the people of Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes were the recommendations advanced by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology followed by the passage of the Florida Election Reform Act of 2001. A central component of Florida's new election law mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic voting systems. The new voting systems were put into service to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

Florida has adopted voting system standards which meet and exceed standards established by the Federal Election Commission. Florida's voting system standards are reviewed every two years to determine whether they are adequate and effective in carrying out fair and impartial elections. The Bureau of Voting Systems Certification within the Department of State has statutory authority to adopt rules which establish minimum standards for voting systems purchased and used in Florida. Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for their registered voters. During the last two years, the State of Florida has provided \$24 million to assist counties in purchasing new certified voting systems.

Only two types of voting systems are certified for use in Florida's 67 counties— Direct Recording Electronic (DRE or "touchscreen") voting systems and Marksense with precinct-based tabulation.

There are three manufacturers who have certified voting systems for use in Florida: Diebold; Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). Members of the HAVA Planning Committee noted that the certified Diebold voting system currently does not allow visually impaired voters to independently or to privately vote and this is addressed later under Section 301(a)(3)(A) and Section 301(a)(3)(B). The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems.

**DRE Voting Systems ("touchscreen")
And Number of Florida Counties in Use
For Precinct Voting**

DRE VOTING SYSTEM MANUFACTURER	COUNTIES (PRECINCT VOTING)
ES&S Voting System Release 3	6
ES&S Voting System Release 4.2	5
SP AVC Edge Voting System	4
TOTAL	15

**Marksense Voting Systems ("optical scanning")
And Number of Counties in Use
For Precinct and Absentee Voting**

MARKSENSE VOTING SYSTEM MANUFACTURER	COUNTIES (PRECINCT VOTING)	COUNTIES (ABSENTEE VOTING)
Diebold AccuVote ES 2001 B	30	30
ES&S Voting System Release 1.1	2	2
ES&S Voting System Release 2.1	1	1
ES&S Voting System Release 3	4	10
ES&S Voting System Release 3.2	1	1
ES&S Voting System Revised Release 3.1	3	3
ES&S Voting System Release 4.2	3	8
ES&S Optech IIP Eagle	2	2
ES&S Optech IIP/Optech IVC	5	5
SP Optech III-P Eagle	1	1
SP AVC Edge Voting System	0	4
TOTAL	52	67

The Help America Vote Act of 2002 (HAVA) establishes new minimum requirements for administering federal elections. These new voting system requirements are found in Title III of the federal law. The new requirements shape the performance and the administration of voting systems. Florida is in compliance with many of these new federal directives and these are addressed in the HAVA State Plan.

Section 301(a) of HAVA requires that Florida's voting systems meet the following requirements by January 1, 2006. Florida will be in compliance with all of these requirements by the federal deadline of January 1, 2006.

020933

Section 301(a) Voting System Standards and Requirements

Section 301(a)(1)(A)(i): Do Florida's voting systems permit the voter to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted?

Yes, and no further actions are required.

Section 101.5606(1), *Florida Statutes*, states that no voting system in Florida shall be approved by the Department of State unless it "permits and requires voting in secrecy."

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Florida Voting System Standards (April 2002) state that the voting function standards applicable to all Electronic Voter Interfaces must provide "after the initial instructions, which the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance." (p. 20)

Section 301(a)(1)(A)(ii): Do Florida's voting systems provide the voter with the opportunity in a private and independent manner to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct the error)?

Yes, and no further actions are required.

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Section 101.5606(12), *Florida Statutes*, requires that electronic voting systems should "permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed."

Section 101.5608(2)(b), *Florida Statutes*, requires that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide

020934

instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in the envelope."

Section 101.5611(1), *Florida Statutes*, requires that the "supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth."

Section 301(a)(1)(A)(iii): If the voter selects votes for more than one candidate for a single office, do Florida's voting systems: (1) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (2) notify the voter before the ballot is cast and counted of the effect of casting the multiple votes for the office; and (3) provide the voter with the opportunity to correct the ballot before the ballot is cast?

Yes, and no further actions are required.

Section 101.5606(3), *Florida Statutes*, requires voting systems to immediately reject "a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast."

Section 101.5606(4), *Florida Statutes*, requires that systems using paper ballots accept a rejected ballot if the voter chooses to cast the ballot after it has been rejected, but the ballot will record no vote for any office that has been overvoted or undervoted.

Section 101.5608(2)(b), *Florida Statutes*, provides that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, a ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope."

Section 101.5611(1), *Florida Statutes*, requires that the "supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth."

Florida Voting System Standards (April 2002) state that "the system must prevent the voter from over voting any race." In addition, "there must be a clear, identifiable action, which the voter

takes to 'cast' the ballot. The system must make clear to the voter how to take this action, such that the voter has minimal risk of taking the action accidentally, but when the voter intends to cast the ballot, the action can be easily performed." (p. 21)

Florida Voting System Standards (April 2002) state that "Marksense systems shall reject blank ballots and ballots with overvoted races. Electronic voter interfaces shall prevent a voter from overvoting a race, and shall provide a means of indicating, to the voter, any races that may have been undervoted before the last step necessary to cast the ballot." (p. 22)

Section 301(a)(1)(B): Does Florida's mail-in absentee and mail-in ballot process meet the requirements of subparagraph (A)(iii) by: (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple ballots for an office; and (ii) providing the voter instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)?

Partially meets, and further actions are required.

The Florida Legislature has amended Section 101.65, *Florida Statutes*, to require the instructions for absentee voters to include the following language:

Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

Planned action before January 1, 2006:

In addition, the Division of Elections will update Rule 1S-2.032, *Florida Administrative Code (F.A.C.)*, (Uniform and General Election Ballot Design) which will make it clear to absentee voters how to correct their ballots and how to request a replacement ballot if the voter is unable to change or correct the original ballot.

The HAVA Planning Committee also suggested that absentee voters should be given clear notification that the deadline for submitting absentee ballots is by 7:00 p.m. of election night and that mailing the ballot may not ensure that it will arrive in time to be counted.

Section 301(a)(1)(C): Does Florida's absentee and mail-in ballot process preserve the privacy of the voter and the confidentiality of the ballot?

Yes, and no further actions are required.

Section 101.65, *Florida Statutes*, requires supervisors of elections to enclose with each absentee ballot a separate printed instruction form, a secrecy envelope, a Voter's Certificate and a mailing envelope. The instructions provide the following guidelines:

- Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
- Place your ballot in the enclosed secrecy envelope.
- Insert your secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

Section 101.68(2)(d), *Florida Statutes*, contains a detailed policy and procedure instructing the local canvassing boards in the manner of handling absentee ballots to ensure that the confidentiality of the ballot is maintained.

Section 301(a)(2)(A): Do Florida voting systems produce a record for audits?

Section 301(a)(2)(B): Do the voting systems produce a permanent paper record with a manual audit capacity?

Section 301(a)(2)(C): Is the paper record produced in subparagraph (A) available as an official record for any recount conducted with respect to any election in which the system is used?

Yes, and no further actions are required.

The HAVA Planning Committee determined through research conducted by staff, through testimony offered by Congressional staff, and through testimony given by staff from the Division of Elections that Florida complies with the HAVA audit requirement. Florida voting system standards require DRE machines to maintain a random sorted file of ballot images for every vote cast, and they also have to maintain detailed logs for each election from the time they are first programmed for an election until the results are copied to archival media. Certified voting systems in Florida are required to print out a paper tape of summary totals in each precinct. The paper record is produced to reconcile the consolidated totals for the county in the event of a recount.

Staff from the Division of Elections testified before the HAVA Planning Committee that Florida's State and local security measures make it highly unlikely any tampering could take place with the voting systems. In addition, staff also testified that Florida's certified voting

systems are tested in public forums for logic and accuracy before the election. There are also thorough procedural and security controls in place at the local level to safeguard against someone tampering with the voting systems. The Division of Elections' staff cited Rule 1S-2.015(5)(m)3.a., *F. A. C.*, relating to minimum election security procedures which requires the "printing of precinct results and results from individual tabulating devices" for every election. In addition, the Florida Legislature has authorized the Department of State to promulgate rules which would require supervisors to check those paper totals against electronic totals during machine recounts. The following statutes and rules lay the groundwork for Florida's ability to comply with the audit requirements of HAVA:

Section 101.015(5)(a), *Florida Statutes*, requires the Department of State to adopt rules which establish standards for voting systems, including audit capabilities.

Section 101.5606(11 & 13), *Florida Statutes*, requires the Department of State to approve only voting systems that are capable of automatically producing precinct totals in printed, marked, or punched form or a combination thereof. The voting systems must be capable of providing records from which the operating system of the voting system may be audited.

Florida Voting System Standards (April 2002) provide general functional requirements of voting systems which "shall include the capability to produce records, generated by the system components, or in some cases, by the system operators from which all operations may be audited. Except for the storage of vote images, which shall be maintained in a random sequence, the records shall be created and maintained in the sequence in which the operations were performed." (pp. 16-17)

Florida Voting System Standards (April 2002) require precinct count systems to provide a means for obtaining a printed report of the votes counted on each voting device, and to provide a means for extracting this information to a transportable memory device or data storage medium. (p. 23)

Florida Voting System Standards (April 2002) require the generation of reports by the system to be performed in a manner which does not erase or destroy any ballot image, parameter, tabulation or audit log data. The system shall provide a means for assuring the maintenance of data integrity and security for a period of at least 22 months after the closing of the polls. (p. 24)

Section 102.166(5)(d), *Florida Statutes*, requires the Department of State to adopt detailed rules prescribing additional manual recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

- Security of ballots during the recount process
- Time and place of recounts
- Public observance of recounts

- Objections to ballot determinations
- Record of recount proceedings
- Procedures relating to candidate and petitioner representatives

Section 301(a)(3)(A): Does Florida have certified voting systems for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters?

Section 301(a)(3)(B): Does Florida meet the requirement in subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place?

Partially meets, and further actions are required.

In 2001, the Secretary of State appointed a task force to conduct a comprehensive review of Florida's election laws and procedures. The task force recommended legislation to insure that Florida's voters with disabilities could fully exercise their right to a secret ballot, as guaranteed by Florida's Constitution. Many of the recommendations of the task force were passed by the Legislature and signed into law by Governor Bush in 2002 and are found in Chapter 2002-281, *Laws of Florida*. Several sections of the law, including sections setting forth specific standards that voting systems must meet, did not become effective immediately, however. They were made contingent on further appropriations by the Legislature, in expectation of the receipt of federal funding as now provided in HAVA.

Most of Florida's largest populated counties have voluntarily purchased voting systems that comply with the accessibility requirements of HAVA. However, Florida's uniform standards regarding voting system requirements (Section 101.56062, *Florida Statutes*), including one accessible machine per precinct, will be effective only when the Florida Legislature adopts a mechanism for funding this law. As a result, the current practice leaves it up to each county to determine how and where such accessible systems are deployed. This does not comply with the requirements of HAVA. Further, there is no statutory or regulatory requirement, beyond the constitutional mandate referred to above, that requires the other counties to comply with the accessibility standards.

HAVA requires that all voting systems be accessible to persons with disabilities, but does not specifically define what is required to accomplish this. HAVA's definition of what constitutes a voting system, however, found in Section 301(b), is comprehensive. Florida has already done the difficult and time consuming work of defining what makes a Florida voting system accessible for persons with disabilities and these standards are found in Chapter 2002-281, *Laws of Florida*. However, as noted above, many sections are not currently in effect. Some slight additional changes to Florida law will need to be made to include provisional ballots, which HAVA

requires to be accessible, within Florida's accessibility requirements.

Not only has Florida already enacted much of the required accessibility reforms required by HAVA, but the intent of the Legislature to comply fully with Federal requirements is clearly set out in statute. Section 101.56063, *Florida Statutes*, provides that:

It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility.

What is left to do in order to comply with HAVA is to make all sections of Chapter 2002-281, *Laws of Florida*, effective. Without making these sections effective, and thus making Florida's voting systems accessible to people with disabilities, Florida will not comply with this requirement of HAVA and will not be able to certify its compliance in order to draw down all available HAVA funds. Making these sections effective requires legislative action. Failure by the Legislature to take action will result in Florida not being able to qualify for all available HAVA funds.

In addition to the above, Florida must take steps now in the certification and system procurement processes to insure that it is able to meet the HAVA requirements in time. HAVA requires that voting systems themselves, not just Florida law, must meet the accessibility requirements by January 1, 2006. The HAVA Planning Committee heard testimony from Division of Elections' staff who cautioned that Florida cannot compel any voting systems vendor to bring equipment to the State for certification. Staff testimony further noted that the lack of available certifiable equipment has been a significant problem in the past that continues to the present. With the proper incentives for vendors and tools for counties to require compliance with accessibility standards, Florida will be able to comply with HAVA requirements by January 1, 2006.

Accordingly, the HAVA Planning Committee recommends that the Division, beginning July 1, 2003, require that all new certified voting systems comply with the requirements of Section 101.56062, *Florida Statutes*. Further, any purchase of a voting system by a governmental entity after July 1, 2003 should be required to include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*. Finally, all voting systems in use as of January 1, 2006, should be required to be both certified to meet, and be deployed in a configuration that meets, the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

For Florida to comply with HAVA and to be eligible for federal funds pursuant to HAVA, action by the Legislature should include the following specific recommendations of the HAVA Planning Committee:

1. Trigger the disability accessibility standards found in Chapter 2002-281 by either:

A. Enacting specific language in the budget that meets the requirements of Section 22, Chapter 2002-281 and appropriates funds to the Department of State for distribution to the counties for the specific purpose of funding Chapter 2002-281; or

B. Enacting a HAVA Implementation Bill that provides that Sections 4, 5, 6, 8, 9, 10, 11, 14, and 19 Chapter 2002-281, be effective no later than January 1, 2006, and that Section 12 of Chapter 2002-281 is effective on January 1, 2006.

2. Mandating that provisional ballots for voters with disabilities shall be provided to them by a system that meets the requirements of section 101.56062, *Florida Statutes*, by January 1, 2006.

3. Enact a HAVA Implementation Bill requiring:

A. All electronic and electromechanical voting systems certified by the State after July 1, 2003, must meet the requirements of Section 101.56062, *Florida Statutes*, (except subsection (1)(d), which is exempted in the statute);

B. Any purchase of a voting system by any county, municipality or by the State after July 1, 2003 must include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*; and

C. All electronic and electromechanical voting systems in use on or after January 1, 2006 must be certified to meet and be deployed in a configuration which meets the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The recommended budget proposed under Element 6 of this plan recommends using a portion of the requirements payments to become compliant with the disability voting system requirements.

Section 301(a)(3)(C): Will Florida purchase voting systems with funds made available under Title II on or after January 1, 2007, that meet the voting system standards for disability access (as outlined in this paragraph)?

Yes, and no further actions are required.

Section 301(a)(4): Does Florida have certified voting systems that provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a)?

Yes, and no further actions are required.

In order to be certified for use in Florida, DRE voting systems must provide alternative language accessibility for all interfaces in order to meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a). Florida Voting System Standards (April 2002) require that all configurations must support all voter interface functions in at least the following languages: English, Spanish, and Haitian Creole. (p. 22)

Counties using Marksense voting systems must meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a) by printing ballots in the required languages.

Section 301(a)(5): Does Florida have certified voting systems that comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Elections Commission which are in effect on the date of the enactment of this Act?

Yes, and no further actions are required.

Florida Voting System Standards (April 2002) contain voting system accuracy standards which exceed the error standards established by the Federal Elections Commission. (pp. 35-36)

Section 301(a)(6): Has Florida adopted uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the State?

Yes, and no further actions are required.

Section 102.166(5)(a), *Florida Statutes*, states that "a vote for a candidate or ballot measure be counted if there is a clear indication on the ballot that the voter has made a definite choice."

Section 102.166(5)(b), *Florida Statutes*, requires the Department of State to "adopt specific rules for each certified voting system prescribing what constitutes a 'clear indication on the ballot that the voter has made a definite choice.' The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or
2. Contain a catch-all provision that fails to identify specific standards, such as 'any other mark or indication clearly indicating that the voter has made a definite choice.'"

Rule 1S-2.027, *F. A. C.*, entitled "Clear Indication of Voters Choice on a Ballot" provides specific standards for determining votes on optical scan ballots.

020943

Element 1. Use of Title III Requirements Payments:
B. Provisional Voting and Voting Information

How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Section 302(a) Provisional Voting Requirements

The Help America Vote Act of 2002 (HAVA) requirements for provisional voting state that if an individual declares that he or she is a registered voter in the jurisdiction in which they are attempting to vote but their name does not appear on the official list of eligible voters, they are to be permitted to cast a provisional ballot.

Section 302(a)(1) Do Florida's election laws require election officials at the polling place to notify individuals that they may cast a provisional ballot?

Yes, and no further actions are required.

Section 101.031(2), *Florida Statutes*, states that the supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities. Included in the Voter's Bill of Rights is the right of each registered voter to cast a provisional ballot, if his or her registration is in question.

The Division of Elections' Polling Place Procedures Manual instructs pollworkers to read informational signs that appear in print on the walls of the polling place and to offer magnifying sheets for visually impaired voters.

In addition, modifications to Section 101.043(3), *Florida Statutes*, were included in Chapter 2003-415, *Laws of Florida*, which is effective January 1, 2004. This change provided that certain first-time voters would be allowed to vote a provisional ballot.

Section 302(a)(2) Do Florida's election laws state that any person attempting to vote whose name does not appear on the official list of eligible voters be permitted to cast a provisional ballot at the polling place upon the execution of a written affirmation by the individual that they are: (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.

Yes, and no further actions are required.

Section 101.048(1), *Florida Statutes*, states that any voter claiming to be properly registered and eligible to vote, but whose eligibility cannot be determined, will be given a provisional ballot. A Provisional Ballot Voter's Certificate and Affirmation must be completed by the individual

casting a provisional ballot indicating that they are registered to vote and are a qualified voter of the county in which they are attempting to vote, and that they have not previously voted in the election.

Section 302(a)(3) Do Florida's election laws require a completed provisional ballot be given to an appropriate State or local election official to determine whether the individual is eligible under State law to vote?

Yes, and no further actions are required.

Section 101.048(1), *Florida Statutes*, states that all provisional ballots are placed in a secrecy envelope and then sealed in a provisional ballot envelope. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

Section 101.048(2)(a), *Florida Statutes*, states the county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

Section 302(a)(4) Is the provisional ballot counted if the appropriate State or local election official determines the individual is eligible under State law to vote?

Yes, and no further actions are required.

Section 101.048(2)(b)1., *Florida Statutes*, states that if it is determined that the person was registered and entitled to vote at the precinct where the person cast a ballot, the canvassing board will compare the signature on the provisional ballot envelope with the signature on the voter's registration record and, if it matches, will count the ballot.

Section 302(a)(5)(A) Are the individuals who cast a provisional ballot given written information that states that any individual who casts a provisional ballot will be able to ascertain whether the vote was counted and, if not, the reason that the vote was not counted?

Yes, and no further actions are required.

Chapter 2003-415, *Laws of Florida*, amends Section 101.048 to provide that each person casting a provisional ballot shall be given written instructions regarding the free access system. The instructions shall contain information on how to access the system along with the information the voter will need to provide in order to obtain information on his or her particular ballot.

020945

Section 302(a)(5)(B) Has the appropriate State or local election official established a free access system to provide this information to individuals casting provisional ballots?

No, and further actions are required.

Planned action before January 1, 2004:

Chapter 2003-415, *Laws of Florida*, requires each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why.

It is recommended that each county, as a minimum, provide to voters who cast provisional ballots written notification by mail informing them of whether their ballot was counted and, if not, why it was not counted. Supervisors of elections are also strongly encouraged to develop a toll-free number or access to this information via the Internet.

Each supervisor of elections will establish the free access system for their county by January 1, 2004.

Section 302(a)(5)(B) Has the appropriate State or local official established procedures to protect the security, confidentiality and integrity of the personal information collected and stored by the free access system, restricting access to the individual who cast the ballot?

Yes, and no further actions are required.

Chapter 2003-415, *Laws of Florida*, requires the free access system established by the supervisors of elections to restrict access to information regarding an individual ballot to the person who cast the ballot.

020946

Section 302(b) Voting Information Requirements

HAVA requirements for voting information state that the appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

Section 302(b)(2)(A) Is a sample version of the ballot that will be used for that election posted?

Yes, and no further actions are required.

Section 101.20, *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at the polling place on election day. Sample ballots shall be open to inspection by all electors in any election.

Section 302(b)(2)(B) Is information regarding the date of the election and the hours during which polling places will be open posted on election day?

Yes, and no further actions are required.

Information such as the hours of operation of polling places and the date of the election are provided on instructional cards and sample ballots. Section 101.031, *Florida Statutes*, requires the Department of State, or in case of municipal elections the governing body of the municipality, to print, in large type on cards, instructions for the electors to use in voting. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

Currently, all cards that are posted in polling places include the hours the polls will be opened.

Section 101.20(1), *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced-size ballots may be furnished to election officials so that one may be given to any elector desiring same.

Currently, all sample ballots posted in polling places include the date of the election.

Section 302(b)(2)(C) Are instructions on how to vote, including how to cast a vote and how to cast a provisional ballot posted on election day?